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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6316 of 2018

And

Crl.M.P.No.3189 & 3190 of 2018

1.Vel Murugan
2.Silambarasan
3.Ramu
4.Vadivel
5.Deeba
6.Mageswari
7.Kavitha

... Petitioners

Vs.

1. The State represented by
Sub Inspector of Police,
Thittakudi Police Station,
Cuddalore District.
(Crime No.6 of 2015)

2. Senthamil Selvi

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records made in C.C.No.49 of 2017 on the file of the District Munsiff Court Cum Judicial Magistrate, Thittakudi and quash the same as illegal.

For Petitioners : Mr.R.Sankarasubbu

For Respondents : Mr.C.E.Pratap
for P.P.

O R D E R

This petition has been filed seeking to call for the records in C.C.No.49 of 2017 on the file of the learned District Munsiff Court Cum Judicial Magistrate, Thittakudi and to quash the same.



2.The case of the petitioners is that the first petitioner is an Advocate, second petitioner is a T.V.Reporter and client of first petitioner, third petitioner is Reporter, Polimer T.V. and client of first petitioner, fourth petitioner is client of first petitioner, fifth petitioner is wife of second petitioner, sixth petitioner is a Teacher and sister of first petitioner and seventh petitioner is the wife of third petitioner and all are arrayed as accused in order to wreck vengeance by one Vembu, Sub - Inspector of Police, Thittakudi and one Sudhakar, Inspector of Police, Thittakudi, since the first petitioner has filed case against them. Hence, the petitioners have filed this petition.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and have not committed any offence. He further submitted that the first petitioner has office at Thittakudi Bus Stand just opposite to the Police Station. He further submitted that Vembu, Sub - Inspector of Police, Thittakudi, is facing criminal prosecution in Crime No.6 of 2015 for the offence under Section Prevention of Corruption Act.

4.The learned counsel appearing for the petitioners further submitted that Crl.O.P.No.2920 of 2017 was filed before this Court seeking to file final report in Crime No.6 of 2015 and the first petitioner appeared as counsel for the petitioner therein and the said petition was ordered on 13.02.2017. The learned counsel further submitted that the third petitioner filed W.P.No.2198 of 2017 before this Court seeking to consider his representation seeking action against the Inspector of Police, Tittagudi Police Station, in which the first petitioner appeared as counsel.

5.The learned counsel appearing for the petitioners further submitted that at the instigation of Vembu, Sub - Inspector of Police, Thittakudi and Sudhakar, Inspector of Police, Thittakudi, only the defacto complainant has preferred a false complaint. He further submitted that on 31.03.2017, the defacto complainant and others entered the office of the first petitioner and attacked the persons there and his family members and they sustained injuries and the sixth petitioner saved their life. In order to prove the substance of the case, the learned counsel drew the attention of this Court to the various petitions filed by the clients of the first petitioner.

6.Per contra, the learned Government Advocate submitted that the said Sub Inspector of Police has now been transferred and is now working at All Women Police Station, Nagapattinam, however, the said Inspector of Police is transferred to Thiruvotriyur Police Station and further submitted that all the allegations levelled as against the Inspector of Police and Sub Inspector of



Police is non est in law. He further submitted that the law enforcing agency initiated action against the petitioners as per law and after investigation filed charge sheet, hence, if the petitioners claim innocence, they have to work out their remedy before the competent Court since the issue involved in the case is disputed question of fact which can be decided only at the time of trial and not in the petition filed under Section 482 of Cr.P.C.

7. Heard the submissions made on either side and perused the materials placed on record.

8. Admittedly, the first petitioner is a practising Advocate. He appeared on behalf of one Rajammal in CrI.O.P.No.13314 of 2015 and this Court vide order dated 23.06.2015 issued direction to the Vigilance and Anti Corruption Wing, Cuddalore to complete the enquiry within a time limit. Thereafter, one Rajambal filed CrI.O.P.No.2920 of 2017 before this Court seeking to file final report in Crime No.6 of 2015 and the first petitioner appeared as counsel and the said petition was ordered on 13.02.2017.

9. Perusal of records further disclose that the third petitioner is a Reporter in Polimer T.V. and he filed W.P.No.2198 of 2017 before this Court seeking to consider his representation seeking action against the Inspector of Police, Tittagudi Police Station, in which also the first petitioner appeared as counsel. All these litigations clearly establish that petitioners 1 and 3 were actively participated in some of the proceedings as against the law enforcing agency. Hence, this Court has no hesitation to arrive at a conclusion that the law enforcing agency has grievance against the petitioners.

10. It is also not in dispute that the defacto complainant made complaint as against the petitioners as if the petitioners sent Whatsapp messages defaming the defacto complainant and in the office of the first petitioner there was wordy quarrel and attacked each other.

11. On perusal of charge sheet, it reveal that no technical persons were examined in order to prove the Whatsapp message circulated by the social media, however, the petitioners are charged only for the offence under Sections 147, 148, 294(b), 324 of IPC and 506(ii) of IPC read with 4 of Women Harassment Act, 2002. The allegation against the petitioner and the action taken are in different angle. Hence, I have no hesitation to come to the conclusion that the criminal case has been foisted against the petitioners only in order to wreck vengeance.



12. In view of the above, this criminal original petition is allowed and C.C.No.49 of 2017 on the file of the learned District Munsiff Cum Judicial Magistrate, Thittakudi, is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsiff Court Cum Judicial Magistrate,
Thittakudi.
2. The Sub Inspector of Police,
Thittakudi Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to M/s.R.Sankarasubbu, Advocate Sr No.39190

Cr1.O.P.No.6316 of 2018

And

Cr1.M.P.No.3189 & 3190 of 2018

VSNI1 (CO)
PR (14/09/2021)