

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.O.P.No.4336 of 2018
and Crl.M.P.No.2034/2018**

Sembatti Siva @ T.Sivakumar Petitioner

Vs.

1.State rep.by

The Sub Division Executive Magistrative &
Sub Collector, Sub Collector Office,
Hosur-111.

2.The Inspector of Police,
Perigai Police Station,
Krishnagiri District.

.... Respondent

Prayer:Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to proceedings No.Va.No.224/2017/B1 on the file of the 1st respondent and quash the proceedings of the same.

For Petitioner : Dr.S.Manoharan

For Respondents : Mr.C.E.Pratap, Government Advocate
(Crl.Side)

ORDER

The petitioner has filed this petition to call for the records pertaining to proceedings No.Va.No.224/2017/B1, on the file of the 1st respondent and quash the same.

2. Facts leading to the present round of litigation is that the petitioner is a social activist and working for the poor and downtrodden people, particularly dalit people and he was elected as a regional Secretary in political party namely, Viduthalai Siruthaigal Party. On 02.08.2017, one Mr.Anadkumar @ Anandbaby, who belongs to the same political party, lodged a complaint against the petitioner for an altercation between them and based on the complaint, the 2nd respondent has filed an FIR against the petitioner. Thereafter, the issue was amicably settled between the parties and the petitioner has also written a letter to the concerned police station about the compromise on 04.10.2017. While being so, the 2nd respondent has registered series of cases against the petitioner, stating that he was participated in the democratic protest, doing agitations and causing public nuisance. Aggrieved over the same, the petitioner has filed this present petition.

3. The learned counsel appearing for the petitioner submitted that without conducting proper enquiry and investigation, the 2nd respondent has falsely implicated the petitioner in all the cases due to political influence

from other caste and upper cast persons and further the 2nd respondent has recommended to the 1st respondent to take action u/s 110 Cr.P.C. The petitioner has been continuously harassed and tortured by the 2nd respondent Police and hence, the learned counsel prays for quashment of the proceedings pending on the file of the 1st respondent.

4. Considering the bad antecedents of the petitioner, the respondents had initiated appropriate action against the petitioner and the Sub Collector, Osur, for further investigation, have issued summons to the petitioner for appearance on 04.10.2017, vide proceedings dated 22.09.2017. The petitioner, instead of appearing before the Sub Collector, straight away approaching this Court by filing the present petition is not maintainable. This Court cannot decide the issues in question, in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the concerned officials and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before 1st respondent.

M.DHANDAPANI,J.
sk

5. Recording the above reasons, this Criminal Original Petition is dismissed. Consequently connected miscellaneous petition is closed.

06.07.2021

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Sub Division Executive Magistrative &
Sub Collector, Sub Collector Office,
Hosur-111.
- 2.The Inspector of Police,
Perigai Police Station,
Krishnagiri District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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