

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.2421 of 2018
and
Crl.M.P.Nos.974 & 975 of 2018

V.Kandan

... Petitioner

Vs.

State Rep. By
Inspector of Police,
Cuddalore Mudhunagar Police Station,
Cuddalore District.
(Crime No.423 of 2014)

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in STC No.337 of 2016 on the file of the Judicial Magistrate Court-II, Cuddalore and quash and same insofar as the petitioner is concerned.

For Petitioners :Mr.R.Bharath Kumar

For Respondent :Mr.M.Shanmugarajeswaran
Government Advocate

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed to call for the records relating to the proceedings in STC No.337 of 2016 on the file of the Judicial Magistrate Court-II, Cuddalore and quash and same.

2. The case of the prosecution is that the petitioner and other accused persons used filthy language against one Traffic Constable and thereafter the charge sheet was filed under Sections 294 (b), 353 and 506 (i) of IPC in STC.No.337 of 2016 on the file of the Judicial Magistrate-II, Cuddalore. Hence, this petition.

3. The learned counsel for the petitioner submits that earlier there was a civil dispute between the petitioner and the defacto complainant. In order to wreck vengeance a false complaint has been foisted against him. The defacto complainant himself is a Traffic Constable, who has filed charge sheet against the petitioner and other accused persons.

4. The learned Government Advocate (Crl. Side) submits that the said Traffic Constable had given a complaint before the Inspector of Police and the Inspector of Police filed the charge sheet against the petitioner and other accused persons.

5. Considering the fact that the issue being a disputed question, which cannot be gone into in a petition filed under Section 482 Cr.P.C., this Court is not inclined to accede with the prayer as sought for to quash the proceeding before the trial Court.

For the reason aforesaid, this Criminal Original Petition is dismissed with liberty to the petitioner to raise all points before the trial Court at the time of trial. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II,
Cuddalore.
2. The Inspector of Police,
Cuddalore Mudhunagar Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.K.BharathKumar, Advocate Sr.23344

Crl.O.P.No.2421 of 2018

ad[co]
srg 11/06/2021