



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.14509 OF 2021

S.Dharmalingam

... Petitioner

Versus

The Inspector of Police,
Paramathi Velur Police Station,
Namakkal District.
Crime No.451 of 2021.

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent Police to consider the representation of the petitioner dated 12.05.2021, while filing charge sheet in Crime No.451 of 2021 on the file of the respondent Police.

For Petitioner : Mr.P.Kannan Kumar

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed to direct the respondent Police to consider the representation of the petitioner dated 12.05.2021, while filing charge sheet in Crime No.451 of 2021.

2. The petitioner is the 2nd accused in Crime No.451 of 2021 registered by the respondent Police, for offence under Sections 294(b), 323, 324 and 506(i) of IPC.

3. The learned counsel for the petitioner submitted that the petitioner was working as Electrician in Paramathi Velur, Namakkal District and residing in Meenakshipalayam Village along with his family. There is a dispute with regard to common pathway between the petitioner, his brothers and Senthilkumar, which resulted in filing of civil and criminal complaints



against each other earlier. He further submitted that the said Senthilkumar lodged a complaint to the respondent Police that on 07.05.2021, the petitioner, his brother Mohanraj, Periyasamy and Subramani had joined together and assaulted and threatened him with dire consequences. On the complaint, the respondent Police registered a case in Crime No.451 of 2021, for offence under Sections 294(b), 323, 324 and 506(i) of IPC against Periyasamy/A1 and the petitioner/A2. The petitioner's Advocate on 12.05.2021 had appeared before the respondent Police along with his co-workers Baskaran and Murugesan and explained that on the date and time of the occurrence, the petitioner attended his duty from 06.45 a.m., to 06.00 p.m., and he was not present in the scene of occurrence and a false complaint has been lodged against him. Further, the petitioner obtained the certificate from the Executive Officer of the Town Panchayat confirming that he attended his work on 07.05.2021 from 06.45 a.m to 06.00 p.m. Thereafter, what had happened the petitioner was not aware. Hence, he prayed for direction to consider his representation dated 12.05.2021.

4. The learned Government Advocate (Crl. Side) appearing on behalf of the respondent Police submitted that a case in Crime No.450 of 2021 has been registered, for offence under Sections 294(b) and 323 of IPC for the occurrence taken place on 07.05.2021 at about 08.30 a.m., wherein the complainant is Periyasamy (A1 in Crime No.451 of 2021) and the accused is Senthilkumar and Sekar. The said Senthilkumar is the defacto complainant in Crime No.451 of 2021, for offence under Sections 294(b), 323, 324 and 506(i) of IPC and the accused is Periyasamy, Dharmalingam/petitioner/A2, Subramani and Mohanraj.

5. The specific contention of Senthilkumar, who is the defacto complainant in Crime No.451 of 2021, is that the petitioner/A2 was present in the scene of occurrence along with other accused and assaulted and threatened with dire consequences. Both the cases are in the nature of case in counter and hence, both the cases are to be investigated together. The learned Government Advocate further submitted that the petitioner may be directed to appear before the respondent Police, give his explanation, submit documents and witnesses in support of his contention. During investigation, if the contention of the petitioner is found true, the petitioner name can be dropped while filing the final report.

6. Taking into consideration of the facts and circumstances of the case, this Court directs the petitioner to appear before the respondent Police along with his representation and the certificate issued by the Executive Officer of the Town Panchayat and witnesses to show that he was at his work on 07.05.2021 from 06.45 a.m., to 06.00 p.m. The respondent Police



is to verify the same and if it is true, appropriate steps to be taken to delete the name of the petitioner in the FIR in Crime No.451 of 2021, dated 07.05.2021.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Paramathi Velur Police Station,
Namakkal District.
2. The Public Prosecutor,
High Court, Madras.

W.P.NO.14509 OF 2021

UM(CO)
PBS/16/08/2021