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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.19166 of 2021

&

CrI.M.P.Nos.10486 and 10487 of 2021

Pugazh

.. Petitioner/Accused No.1

/versus/

1.State of Tamil Nadu rep.by
The Inspector of Police,
Thavalakuppam Police Station,
Puducherry.

..1st Respondent/Complainant

2.Mr.Sivapragasam,
Village Administrative Officer,
S/o Thanigasalam,
No.29, Ezhil Nagar, 4th Cross,
Arumpakkapuram,
Villiyannur, Puducherry.

..2nd Respondent/
Defacto Complainant

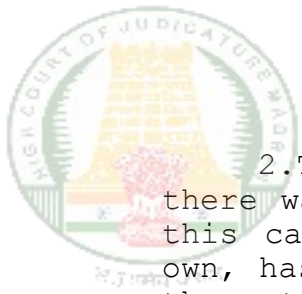
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for and quash the chargesheet in S.C.No.107 of 2019 pending on the file of the III Additional Sessions Judge, Puducherry.

For Petitioner : Mr.J.Zeakumar

For Respondents : Mr.V.Balamurugan
Public Prosecutor(Puducherry)
for R1

ORDER

The petitioner, who is the first accused in S.C.No.107 of 2019 facing trial for the offences under Sections 143, 436, 427 r/w 149 of IPC, has filed this Criminal Original Petition to quash the criminal proceedings.



2.The contention of the petitioner is that, initially, there was no complaint naming the petitioner as an accused in this case. Thereafter, the first respondent police, on their own, has falsely implicated the petitioner in this case, since the petitioner happens to be a friend of one Manokar, who was murdered in the middle of Poornakuppam Road on 21.11.2014 and thereafter, there seems to be some commotion and further, the friends of the deceased Manokar burnt the houses of the the said village. For this reason, the petitioner is arrayed as an accused along with the other petitioners. One Ganesan has been cited as a witness, who said to have been examined by the Police on 18.04.2015 and he gave a statement against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the said Ganesan was dead on 18.10.2000 itself. Thereafter, the deceased Ganesan's statement has been recorded by the Police officials after his death. Further, he produced the Death Certificate of Ganesan and marriage invitation of Ganesan's son, from which it is clearly proved that the said Ganesan died in the year 2000 itself. Further, the witnesses are not the direct witnesses. The 1st respondent police has not conducted the investigation in a proper manner. The petitioner happens to be the friend of Manokar and therefore, he has been falsely implicated in this case.

4.The learned Public Prosecutor (Puducherry) appearing for the first respondent submitted that the petitioner is none other than the brother of the deceased Manokar. Since the murder has taken place only Poornakuppam Road, the petitioner along with his associates, got offended and enraged over his brother's death, they set fire to the houses of the entire Poornakuppam village and several houses were burnt and they also threatened him and chased away the villagers. Totally, 17 affected villagers have given the statements and the deceased Ganesan has also given statement and 16 other persons have also given statements implicating the petitioner and other accused in this case. Further, the Deputy Manager at Raitel Corporation of India Limited, Government of India, had confirmed about the damage caused by setting fire and also burnt the BSNL optical fiber cable in Poornakuppam village. The occurrence has taken place on 21.11.2014 and the same had been confirmed by the independent witnesses and the damage on burning of houses, have also been confirmed by the statements of the affected villagers. The offences committed by the petitioner, are clearly seen from the statements given by the witnesses. Hence, the learned Public Prosecutor (Puducherry) appearing for the 1st respondent strongly opposed the submissions of the petitioner.

5.On a perusal of the records, it is clear that the incident has been spoken by several of the witnesses and also about the damage caused. In view of the same, this Court is not inclined to entertain the petition. Accordingly, this



Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The III Additional Sessions Judge,
Puducherry.
- 2.The Inspector of Police,
Thavalakuppam Police Station,
Puducherry.
- 3.The Public Prosecutor(Puducherry),
High Court, Madras.

CRL.O.P.No.19166 of 2021

and

Crl.M.P.Nos.10486 and 10487 of 2021

GPL (CO)

PR (27/12/2021)