

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1. OP No.28696 of 2019

1. K.Balu
2. Sangeetha
3. Navaneetham
4. Lalitha
5. Suganthi
6. Rani
7. Parimala

... Petitioners/Accused 1 to 7

vs.

1. Inspector of Police,
Ulundurpet Police Station,
Villupuram District.
(Crime No.256 of 2016)

... Respondent/Complainant

2. K.Rajendiran
Assistant Election Officer,
Ulundurpet Assembly,
Ulundurpet, Villupuram District.

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to charge sheet in CC No.43 of 2019 on the file of the learned Judicial Magistrate No.I, Ulundhurpet, Villupuram District and quash the same.

For Petitioner : Mr. M.R.Jothimanian

For Respondent : Mr. C.Raghavan
Government Advocate, for R1

ORDER

This petition has been filed seeking to quash the proceedings in CC.No. 43 of 2019 on the file of the learned Judicial Magistrate No.1, Ulundhurpet, Villupuram District.

2. The case of the prosecution is that the petitioners are the voters belonging to Ulundurpet Assembly Constituency. During the assembly election that was held during May 2016, the petitioners are said to have formed into an unlawful assembly and appeared before the second respondent and had thrown money to the tune of Rs.37,000/- on the face of the second respondent and had used abusive language and threatened the second respondent and also prevented the second respondent from performing public duty as an Election Officer. Based on the complaint given by the second respondent, an FIR came to be registered before the respondent Police. On completion of the investigation, a Final Report came to be filed before the Court below for an offence under Sections 147, 447, 294(b), 353, 506 (I) IPC & 4 of TNWH Act.

3. Heard Mr.M.R.Jothimanian, learned counsel appearing for the petitioners and Mr.C.Raghavan, learned Government Advocate (Crl. Side) appearing for the first respondent.

4. A reading of the Final Report and also the statements recorded from the witnesses shows that there was an allegation of widespread distribution of money to the voters during the 2016 assembly elections. The petitioners 2 to 7 accompanied by the first petitioner, had gone to the polling booth under the control of the second respondent and questioned about the distribution of money and corrupt practices adopted by the political parties. In fact the petitioners had thrown back Rs.37,000/- which is said to have been paid by the political parties to the voters. The petitioners had expressed their displeasure in the manner in which the election was conducted by the second respondent where the money is said to have been distributed right under the nose of the second respondent. Probably the petitioners had reacted with aggression in the spur of the moment. However, the issue that was brought to the attention of the second respondent is directly attributable with conducting the election in a democratic manner without influencing the voters by paying them money. The fact that the petitioners were able to throw away Rs.37,000/- which is said to have been paid by the political parties, shows that all was not well in the manner in which the election was conducted.

5. Unfortunately, instead of taking action against the concerned persons belonging to the political party, who had distributed money, for some strange reasons action was taken against the petitioners, as if they committed offences.

6. The petitioners 2 to 7 are all ladies and the Final Report has been filed against them for an offence under Section 4 of the Tamil Nadu Prohibition of Women's Harassment Act, 2002, which will not apply, where the accused person is a woman. That shows the hastiness with which the investigation has been conducted in this case.

7. A reading of the Final Report along with the statements recorded from the witnesses, does not make out any offence against the petitioners and the continuation of the proceedings against the petitioners will clearly amount to an abuse of process of Court which requires the interference of this Court in exercise of its jurisdiction under Section 482 of the Code of Criminal Procedure.

8. In the result, the proceedings in CC No. 43 of 2019 on the file of the learned Judicial Magistrate No.1, Ulundhurpet, Villupuram District is hereby quashed and this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jv

To

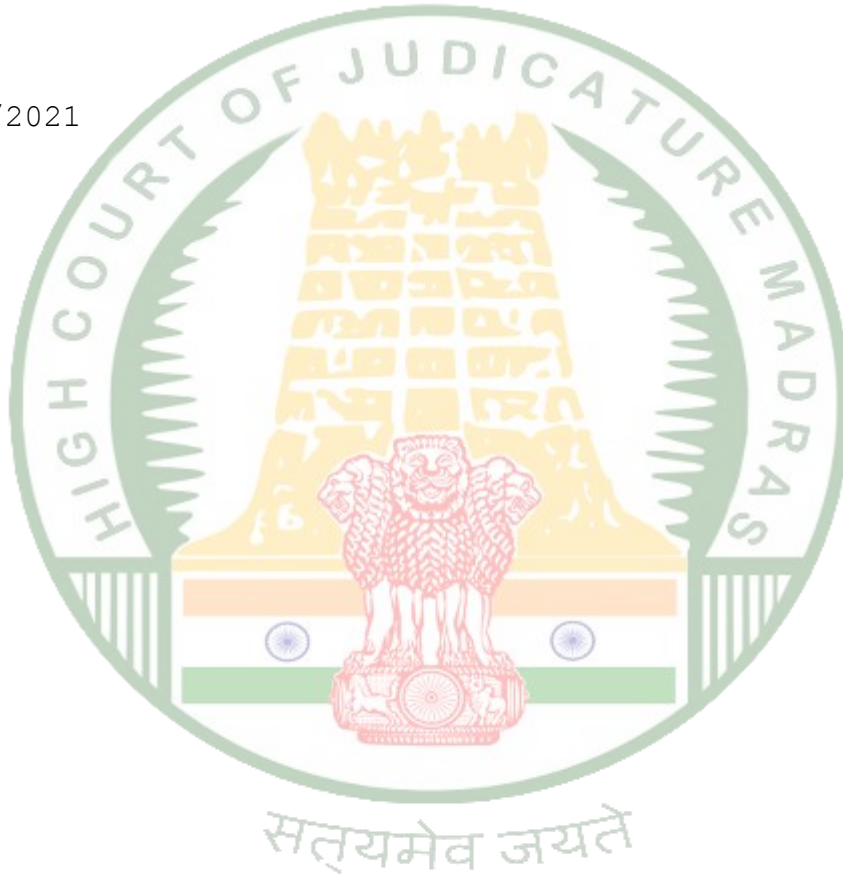
1. The Judicial Magistrate No.I,
Ulundhurpet,
Villupuram District.
2. The Inspector of Police,
Ulundurpet Police Station,
Villupuram District.
- 3.The Assistant Election Officer,
Ulundurpet Assembly,
Ulundurpet,
Villupuram District.

4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+lcc to Mr.M.R.Jothimanian, Advocate Sr.13683

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