



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAR

Crl.O.P.(MD)No.1646 of 2021

and Crl.M.P(MD)No.789 of 2021

WEB COPY

Seenipandi

... Petitioner/A9

Vs

State of Tamil Nadu,
Rep. by Sub Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City,
Sivaganga

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to charge sheet dated 23.07.2016 pending in P.R.C.No.63 of 2016 on the file of the Judicial Magistrate No.1, Tirunelveli so far as the petitioner is concerned and quash the same.

For Petitioner : Mr.Raguvaran Gopalan

For Respondent : Mr.R.M.Anbunidhi

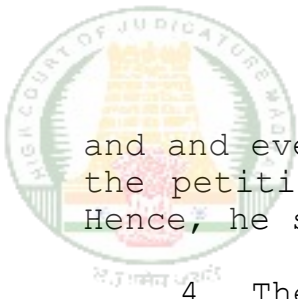
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the charge sheet dated 23.07.2016 pending in P.R.C.No.63 of 2016 on the file of the Judicial Magistrate No.1, Tirunelveli so far as the petitioner is concerned.

2. The case of the prosecution is that on 17.03.2015 at about 11.00 p.m, the bus belonged to the Corporation bearing Registration No. TN-72 -N-1702 was proceeding from Nagercoil to Kumuli. When the bus was nearing Vannarpettai Bridge at about 4.00 a.m on 18.03.2015, two persons, who came in a Two Wheeler, caused damage to the rear side and the glass of the bus and fled away from the place of occurrence in which the glass was damaged worth about Rs.6,000/-. Based upon the complaint given by the Conductor of the bus, a case in Crime No.159 of 2015 under Section 3 of TNPPDL Act has been registered. During the course of investigation, statement of the witnesses were recorded. After completion of investigation, a charge sheet was filed and the same was taken on file in P.R.C.NO. 63 of 2016. The present petition has been filed to quash the charge sheet.

3. The present petition came to be filed only on the ground that involvement of the petitioner is not stated in the First Information Report. According to the learned counsel for the



and and even during the course of investigation also, involvement of the petitioner in the occurrence has not been specifically stated. Hence, he seeks quashment of the charge sheet.

4. The learned Additional Public Prosecutor submits that the investigation has been done in a proper manner and he opposes to quash the charge sheet.

5. Heard both sides.

6. The learned counsel for the petitioner would submit that a reading of the First Information Report would show that only two persons were involved in the occurrence and one Maharajan has given a statement to the effect that one Boopathyraja and Thangavelsamy caused damages. Similarly, the witness by name Micheal Antony has stated to the same effect that Boopathyraja and Thangavelsamy so also one Sankar it was followed by one Subramaniam. From their statement, it is seen that Boopathyraja and Thangavelsamy were involved in the occurrence and other persons were standing near the place of occurrence. It is also seen that protest has been conducted by a political party in that place protesting against the arrest of a party leader. Even during the course of investigation none of the witnesses have given any statement with regard to involvement of this petitioner in the occurrence.

7. I find force in the submission of the learned counsel for the petitioner that the involvement of the petitioner in the occurrence has not been spoken by any of the witnesses and no materials have been collected during the investigation to show the same.

8. Considering the said aspect, this Court is inclined to quash the charge sheet in P.R.C.No.63 of 2016 on the file of the Judicial Magistrate No.1, Tirunelveli and accordingly, the same is quashed in so far as the petitioner is concerned.

9. In fine, this petition is allowed. Consequently, connected miscellaneous petitioner is closed.

Sd/-

Assistant Registrar (CSIII)

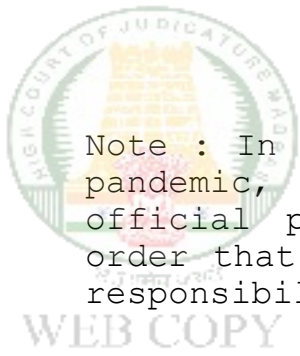
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/ /2021

Sub Assistant Registrar (CS)

CM

<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The judicial Magistrate No I, Tirunelveli

2.The Sub Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City,
Sivaganga

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.PRABHAKAR, Advocate (SR-21592[F] dated 07/07/2021)

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and Crl.M.P(MD)No.789 of 2021
07.07.2021

CM(CO)

KB(14.07.2021) 3P 5C