



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.03.2021

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL OP(MD) . No.3449 of 2021

and

CrI.M.P(MD) .Nos.1898 and 1899 of 2021

Arun Pothiraj

... Petitioner/Sole Accused

Vs

1. The State rep., by
The Inspector of Police,
Thallakulam Police Station,
Madurai City.
(In Crime No.1144 of 2019)

... 1st Respondent/Complainant

2. Mathukumar

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records of impugned charge sheet in C.C No.674 of 2020 on the file of the learned Judicial Magistrate No.II, Madurai and quash the same.

For Petitioners : Mr.S.M.A.Jinnah

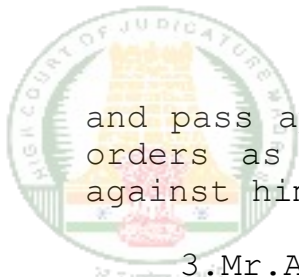
For R1 : Mr.A.Robinson

Government Advocate (Criminal side)

ORDER

The present petition is filed seeking to quash the impugned charge sheet in C.C No.674 of 2020 on the file of the learned Judicial Magistrate No.II, Madurai.

2.The learned counsel appearing for the petitioner contended that the petitioner sought gun license from the Inspector of Police, Thallakulam Police Station, regarding which, there was a misunderstanding between him and the police. His further contention is that he submitted a representation before the Inspector of Police seeking to provide police protection and that since his representation was not considered, he moved this Court and got a direction to the Inspector of Police to consider his representation



and pass appropriate orders. According to him, without passing any orders as per the direction of the Court, foisting a false case against him.

3.Mr.A.Robinson, learned Government Advocate (Criminal side), who accepts notice on behalf of the first respondent, drew the attention of this Court to the statement of the witnesses and would contend that the petitioner in an inebriated condition went to Thallakulam Police Station on 23.07.2019 at about 03.30 pm., and demanded the Police that he may be permitted to meet an accused by name Boominathan, who was arrested in connection with some other crime and that since it was rejected by the police, the petitioner abused all the police officials in filthy language and also threatened them with dire consequences. Therefore, the First Information Report in Crime No.1144 of 2019 was registered against the present petitioner. The Inspector of Police, Thallakulam Police Station, after concluding the investigation, laid a final report before the Judicial Magistrate No.II, Madurai in CC.No.674 of 2020 against the present petitioner for the offences punishable under Sections 294(b), 353 and 506(i) of the Indian Penal Code.

4.Merely based on the contention of the petitioner that the Inspector of Police, Thallakulam Police Station in order to wreck vengeance against the petitioner, has foisted a false case against him, the final report cannot be quashed. In the circumstances, I do not find any reason to quash the final report. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected C.M.P(MD).No.1898 of 2021 is also dismissed.

5.At the request of the learned counsel for the petitioner, the personal appearance of the petitioner is dispensed with. However, he should appear before the concerned Magistrate as and when his presence is required. Accordingly, C.M.P(MD).No.1899 of 2021 is ordered.

6.The learned Judicial Magistrate No.II, Madurai is also directed to dispose of CC.No.1936 of 2019 as expeditiously as possible.

Sd/-
Assistant Registrar

// True Copy //

/ /2021
Sub Assistant Registrar(CS-)

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.II,
Madurai.
2. The Inspector of Police,
Thallakulam Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To :-

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai. (Soft Copy)

RMK

TE : 30/03/2021 : 3P/5C

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