



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2021

CORAM :

THE HONOURABLE Mrs.JUSTICE R.THARANI

Crl.O.P. (MD)No.3657 of 2021

and

Crl.M.P. (MD)No.2028 and 2029 of 2021

WEB COPY

S.Krishnakumar

...Petitioner/Accused No 2

/Vs./

1.The State represented by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District, Nagercoil.

2.Arumugam,
Sub Inspector of Police,
Special Branch,
Kanyakumari District, Nagercoil.

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records and quash C.C.No.56 of 2020 on the file of the Judicial Magistrate No.II, Nagercoil.

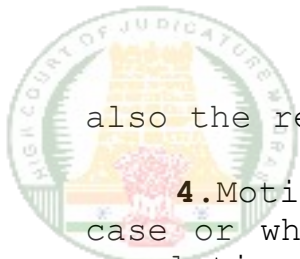
For Petitioner	: Mr.M.Madhu Prakash
For Respondents	: Mr.A.Robinson
	Government Advocate

ORDER

The petitioner has filed this petition to quash C.C.No.56 of 2020 on the file of the Judicial Magistrate No.II, Nagercoil.

2.On the side of the petitioner, it is stated that only due to personal grudge, a false case was foisted against the petitioner and the complainant is having personal enmity against the petitioner. The petitioner and the first accused are police constables and the complainant is a Sub-Inspector of Police. The allegation against the petitioner is that the petitioner with an other police constable tried to take photograph of the complainant and they scolded the complainant in filthy language. The alleged place of occurrence is Junction. The accused scolding a superior officer in filthy language is unbelievable and that the motive is also admitted in the First Information Report and hence, the petitioner prayed this case to be quashed.

3.On the side of the respondents, it is stated that the occurrence took place in Junction. The petitioner with another police constable abused the complainant in filthy language, causing annoyance to the general public and also took the photographs of the complainant. Therefore, there is a *prima facie* case found out and



also the respondents prayed this petition to be dismissed.

4.Motive is a double edged weapon.Whether the case is a false case or whether the charges are true can be decided,only after the completion of the trial. There is nothing sufficient enough to quash the proceedings and hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CSII)

// 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 Inspector of Police, Kottar Police Station,
Kanyakumari District, Nagercoil.
- 2.Arumugam,
Sub Inspector of Police, Special Branch,
Kanyakumari District, Nagercoil.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.3657 of 2021
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ES (CO)
KB(30.03.2021) 2P 4C