



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.5697 of 2021

and

Crl.M.P.(MD)Nos.3291 and 3292 of 2021

1.M.Kutty Durai
2.M.Madasamy

... Petitioners

Vs.

1.The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi,
Tirunelveli District.
(In Crime No.420 of 2017)

2.Mahalingam

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the above charge sheet in C.C.No.67 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Sivagiri, Tirunelveli District and quash the same.

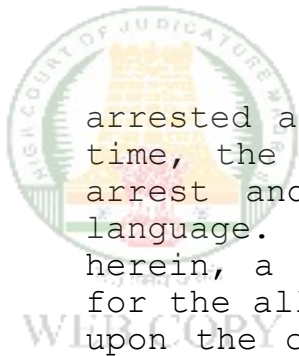
For Petitioners : Mr.C.Gangai Amaran

For R1 : Mr.R.Srinivasan
Government Advocate (Criminal side)\

ORDER

The present petition is filed seeking quashment of the proceedings in C.C.No.67 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Sivagiri, Tirunelveli District.

2.The case of the prosecution is that on 17.09.2017 at about 07.30 p.m., when the de-facto complainant was on duty near Puliyangudi Police Station, one Thirupathi Selvam was arrested in connection with the case in Crime No.419 of 2017 for the alleged offence under Sections 294(b), 353 and 506(ii) of IPC. He was



arrested and was taken by the first respondent police, during that time, the petitioners intercepted him and questioned him about the arrest and they also abused the de-facto complainant in filthy language. Based upon the complaint given by the second respondent herein, a case in Crime No.420 of 2017 was registered on 17.09.2017 for the alleged offence under Sections 294(b) and 353 of IPC. Based upon the complaint, investigation was undertaken, statement of the witnesses were recorded and finally filed a final report before the learned Judicial Magistrate, Sivagiri on 18.09.2017. Making allegation against that the petitioners have committed the offences under Sections 294(b) and 353 of IPC, the final report was filed. Seeking quashment of the same, the present petition came to be filed mainly on the ground that the petitioners were not at all present in the place of occurrence and a case has been falsely registered.

3.After hearing the learned counsel for the petitioners as well as the learned Government Advocate (Criminal side), this Court is of the considered view that quashment of the charge sheet is not possible and so, the learned counsel for the petitioners restricted his relief only with regard to dispensing with the personal appearance of the petitioners before the trial Court on the ground that the first petitioner is working as a Village Administrative Officer, Sivagiri and the second petitioner is working as a Revenue Assistant in the Revenue Department.

4.Considering the capacity of the petitioners, the personal appearance of the petitioners before the learned District Munsif cum Judicial Magistrate, Sivagiri, Tirunelveli District, in C.C.No.67 of 2019, is dispensed with on condition that they must appear before the trial Court within a period of fifteen days from the date of receipt of a copy of this order and filing an affidavit with their attested photo undertaking that they will appear before the concerned Court, as and when required.

5.Accordingly, the Criminal Original Petition is dismissed with a direction to the learned District Munsif cum Judicial Magistrate, Sivagiri, Tirunelveli District, to expedite the trial in C.C.No.67 of 2019 and conclude the same within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions in Crl.M.P.(MD)No.3291 of 2021 is closed and Crl.M.P.(MD)No.3292 of 2021 is ordered.

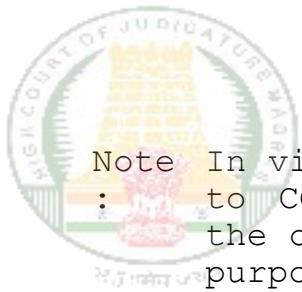
Sd/-

Assistant Registrar (P&A)

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/ /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 District Munsif cum Judicial Magistrate,
Sivagiri, Tirunelveli District.
- 2.The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi,
Tirunelveli District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.5697 of 2021

21.04.2021

GS (7.06.2021) 3P 4C