



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CrI.O.P.(MD).No.16530 of 2018

and

CrI.M.P(MD)Nos.7307 & 7308 of 2018

WEB COPY

Rex Parimala ... Petitioners/4th accused

-VS-

1.The Sub-Inspector of Police,
Vadasery Police Station,
Kanniyakumari District. ... 1st respondent/Complainant

2.Kumaresan ... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.112 of 2018 pending on the file of Judicial Magistrate No.II, Nagercoil and quash the same as illegal against this petitioner.

For Petitioners : Mr.K.P.Narayana Kumar

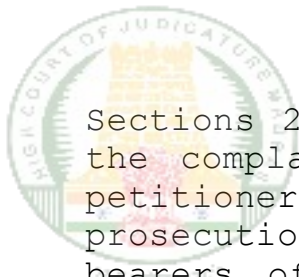
For R-1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed by the petitioners to call for the records in C.C.No.112 of 2018 pending on the file of the Judicial Magistrate No.II, Nagercoil and quash the same as illegal against this petitioner.

2.The brief facts of the case are as follows:

The second respondent is working as Head Constable in the Vadasery police station and a case in Crime No.719 of 2017 was already registered by the first respondent against one Abraham Selvam, who is the husband of the present petitioner. While so, on 09.12.2017 at about 19 hours, while the second respondent was on patrol he saw the husband of the petitioner near C.S.I Church and attempted to arrest him and at that time, all the accused persons including the petitioner abused the 2nd respondent and threatened him with dire consequences. Hence, the first respondent police has registered a case in Crime No.720 of 2017 against the petitioner and three others, for the offences punishable under



Sections 294(b), 341, 353 and 506(i) of I.P.C on the strength of the complaint made by the second respondent. According to the petitioner, no such occurrence happened as alleged by the prosecution. Since the petitioner's husband and other office bearers of church, took steps to restore the pathway from the hands of the land grabbers, the above said cases were registered. Hence, the petitioner has come forward to file this petition with the aforesaid prayer.

3. Heard the learned counsel appearing on either side and also perused the materials available on record.

4. Admittedly, the petitioner is a Teacher and the complaint did not disclose any cognizable offence against the petitioner. Even after the investigation, the charge sheet also does not disclose any cognizable offence against this petitioner. The only allegation against the petitioner is that when the police attempted to arrest the other accused persons, the petitioner had not allowed the police to discharge their duties and therefore by invoking the principles laid down in Bajanlal's case, this Court is inclined to quash the charge sheet in respect of this petitioner alone.

5. In the result, this Criminal Original Petition is allowed and the complaint in C.C.No.112 of 2018 pending on the file of the learned Judicial Magistrate No.II, Nagercoil, is hereby quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

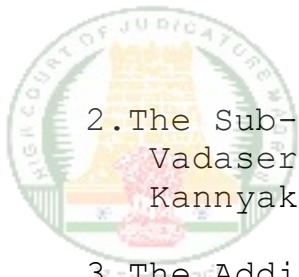
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Note :

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,
Nagercoil.



2.The Sub-Inspector of Police,
Vadasery Police Station,
Kanniyakumari District.

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

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-31597[F] dated
07/10/2021)

Crl.O.P.(MD) No.16530 of 2018
06.10.2021

RK(06/12/2021) 3P 5C