



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED : 03.08.2021

ORDER PRONOUNCED : 22.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.18776 of 2019

and

Crl.M.P (MD)Nos.11012 and 11014 of 2021

1.R.Thirumaran

2.P.Vimaleshwaran ... Petitioners/Accused
Vs.

1.The State through
The Inspector of Police,
Thirunagar Police Station,
Madurai District.
(In Crime No.141 of 2018) ... 1st Respondent/Complainant

2.K.P.Manikumar ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.111 of 2019 on the file of the learned Judicial Magistrate No.VI, Madurai and quash the same.

For Petitioners : Mr.C.Jeya Indra Patel

For R1 : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl.Side)

ORDER

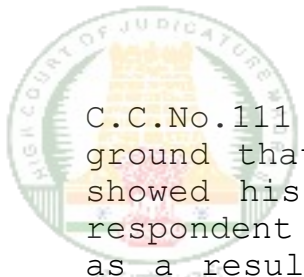
This petition is filed seeking quashment of C.C.No.111 of 2019 on the file of the learned Judicial Magistrate No.VI, Madurai.

2.The case of the prosecution in brief is as follows:-

3.On 25.02.2018, at about 06.00 pm., when the Sub Inspector of Police, Thirunagar along with his police party conducted the regular vehicle checkup, the petitioners herein came in a Motor Cycle bearing Reg.No.TN 58 AL 9119 in a rash and negligent manner in a drunken mood. The police parties signaled the vehicle to stop, but they did not and used abusive language against the police party and also threatened them saying that they will drive the vehicle and kill them.

4.On the basis of the complaint given by the 2nd respondent herein, a case in Crime No.141 of 2018 was registered for the offences punishable under Sections 294(b), 353 and 506(ii) of IPC and Sections 132 and 184 of the Motor Vehicles Act.

5.Seeking quashment of the final report, which was filed on the basis of the investigation undertaken and was taken cognizance as



C.C.No.111 of 2019, this petition came to be filed mainly on the ground that at the time of the vehicle checkup, the 1st petitioner showed his law college ID card to the 2nd respondent, but the 2nd respondent snatched it and assaulted the 1st petitioner with Lathi, as a result of which, the 1st petitioner suffered severe injury on his right eye, right hand and etc., and all his documents were also taken away. The 1st petitioner was taken to the Government Hospital, Thiruparankundram and then, to Government Rajaji Hospital, Madurai for further treatment. After treatment, he was discharged on 06.03.2018. In order to escape from the criminal liability, the 2nd respondent has foisted a false case.

6.The 1st petitioner given a complaint before the State Human Rights Commission. That complaint was enquired and the 2nd respondent was found guilty. So, a sum of Rs.50,000/- was awarded as compensation payable to the petitioners and the same has to be recovered from the 2nd respondent and other police officials.

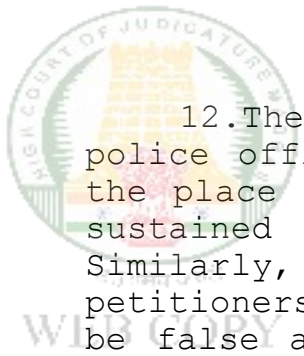
7.None of the allegations mentioned in the FIR as well as the final report attract any of the ingredients of the offences that are alleged against this petitioners. Moreover, during the course of medical examination, the blood sample that was taken from the petitioners was not deducted with Ethyl Alcohol.

8.Heard both sides.

9.It is a case of unfortunate incident. The petitioners were riding a two wheeler near the place of occurrence. The police parties, who were present in the place of occurrence and were attending their regular duty, tried to stop the petitioners' vehicle. The question that whether they did stop or did not cannot be a matter for consideration in this petition. It is a factual aspect. It is enough to say that trouble arose between them, as a result of which, the 1st petitioner appears to have been assaulted severely by the police party.

10.Based upon the complaint given by the 1st petitioner, enquiry was undertaken by the State Human Rights Commission, Tamil Nadu in SHRC Case No.2144 of 2018. It appears that there is no further appeal by the 2nd respondent or other police officials. The 2nd respondent herein has been examined as RW1 before the Commission. He reiterated the very same thing that has been stated by him in the complaint. The 2nd petitioner was also examined as a witness, who was a pillion rider during the occurrence.

11.The Accident Register copy of the Government Hospital, Thirupprankundram, dated 25.02.2018 was also marked as Ex.P2. At the time of admission, the 1st petitioner has informed to the Medical Officer that he was assaulted by the police people near the place of occurrence. He was admitted as inpatient from 26.02.2018 to



12.The argument on the side of the 2nd respondent and other police officials that when the petitioners tried to run away from the place of occurrence, they dashed against the center median and sustained injuries was totally rejected by the Commission. Similarly, the contention on the part of the police that this petitioners ran away from the place of occurrence was also found to be false and the argument on the side of the police team to the effect that the petitioners were drunk was also found to be false through the Regional Forensic Science Laboratory report, which was marked as Ex.P3. So, the Commission has awarded Rs.50,000/- as compensation payable to the 1st petitioner herein. The 1st petitioner herein is entitled to get Rs.25,000/- from the 1st respondent and also entitled to get Rs.12,500/- each from the respondents 2 and 3 therein. The photographs that have been exhibited show the terrific brutal attack that has been made upon the 1st petitioner by the 2nd respondent and his team.

13.As mentioned by the Commission, the 2nd respondent and his team cannot explain away the injuries that has been caused to the 1st petitioner as self injuries. So, the natural corollary is that the case registered against this petitioners is *prima facie* found to be false, baseless and abuse of process of the law and *mala fide* exercise of power. When *prima facie* the proceeding is found to be *mala fide* and baseless, the same is liable to be quashed on the ground that continuation of *mala fide* proceeding will amount to abuse of process of law and Court.

14.In view of the foregoing discussions and observations, this petition is liable to be allowed and accordingly, it stands allowed. The impugned charge sheet in C.C.No.111 of 2019 pending on the file of the learned Judicial Magistrate No.VI, Madurai, is hereby quashed. Consequently, connected miscellaneous petitions are 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.VI,
Madurai.

2.The Inspector of Police,
Thirunagar Police Station,
Madurai District.

COPY TO:-

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

order made in
Crl.O.P. (MD) No.18776 of 2019
22.10.2021

SRK(CO)
GC/JC(15.11.2021) 4P 4C