

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.1065 of 2021
and
Crl.M.P.No.679 of 2021

Allimuthu ... Petitioner/Accused No.3
Versus

1. State rep.by
The Inspector of Police
Gingee Police Station
Gingee- Post
Villupuram District.
(Crime No.482 of 2019) ... 1st Respondent/Complainant

2. Jaisankar ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR in Crime No.482 of 2019 for the offence under Sections 294(b), 323, 353 and 506(ii) IPC dated 28.08.2019 on the file of the first Respondent and quash the same.

For Petitioner : Mr.D.Veerasekaran

For Respondents: Mr.L.Baskaran for R1
Government Advocate (Crl.Side)

ORDER

This petition has been filed to call for the records relating to FIR in Crime No.482 of 2019 for the offence under Sections 294(b), 323, 353 and 506(ii) IPC dated 28.08.2019 on the file of the first Respondent and quash the same.

2. The Learned Counsel for the Petitioner submitted his arguments. As per the arguments of the Learned Counsel for the Petitioner, the Petitioner and his son were arrayed as Accused in Crime No.482 of 2019 on the file of the Gingee Police Station. It is the case of the Petitioner that on 28.08.2019, there was vehicle check up by the Sub-Inspector of Police,

Gingee, where the Petitioner was found not wearing helmet. Therefore, a fine of Rs.200/- was imposed and he had paid the same, through challan. While returning for the second time, the vehicle was inspected and this time they said that R.C.Book was not there. When R.C.Book was produced, the Traffic Police had mentioned that there was no vehicle Insurance and it has lapsed. The second time, it was demanded by the Sub-Inspector of Police, for which, the Petitioner demanded receipt for payment based on the violation of Motor Vehicles Act, which was refused by the Police. Therefore, they had threatened the Petitioner and his son that they will foist a false case as though, the Petitioner had threatened the Police Officials inside the Police Station. Based on which, the First Information Report in Crime No.482 of 2019, Gingee Police was registered. Therefore, the Petitioner seeks to quash the First Information Report.

3. The Learned Government Advocate (Crl.Side) vehemently objects the line of the arguments stating that here, the case was that, Sub-Inspector of Police has recorded the statements of the Constable, who was admitted in hospital based on which, the First Information Report was registered and the Accused were arrested and forwarded to remand. The facts of the case attracts Section 353 of IPC. Therefore, the Learned Government Advocate (Crl.Side) vehemently objects to quash the First Information Report. The Learned Government Advocate (Crl.Side) vehemently objects to quash the First Information Report also on the ground that investigation had been completed and final report had been filed before the Court of the Learned Judicial Magistrate, Gingee. For the reasons best known to the Learned Judicial Magistrate, Gingee, the case had not been taken on file.

4. Further, the Learned Counsel for the Petitioner submitted that based on the occurrence that had taken place, the Petitioner/Allimuthu had preferred a complaint to the Superintendent of Police, Villupuram Police Station regarding the conduct of the Police Officers in foisting a false case. Therefore, he seeks to quash the First Information Report.

5. The submission of the Learned Counsel for the Petitioner is that the case is arising out of Petty offence registered under Motor Vehicle Act by the Traffic Police and subsequently, the Petitioner while demanding the receipt for violation of Motor Vehicle Act, a false case had been registered against the Petitioner and his son as though they threatened the Police officials.

6. The Learned Government Advocate (Crl.Side) vehemently objected to quash the First Information Report stating that the case had been investigated and final report

laid before the Court. It is yet to be taken on file. Considering the submission of the Learned Government Advocate (CrI.Side) investigation is completed and final report has been filed before the Court, it is not the fit case for quashing the First Information Report at this stage.

7. Considering the submission of the Learned Counsel for the Petitioner what had been raised by the Petitioner is found to be valuable defence, which they can agitate before the Trial Court at the time of trial, at the stage of framing charges without seeking adjournment or discharge. It is not a fit case for quashing the First Information Report as investigation has been completed.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Inspector of Police
Gingee Police Station
Gingee- Post
Villupuram District.
(Crime No.482 of 2019)
2. The Public Prosecutor,
High Court, Madras.

Copy to:
The Superintendent of Police,
Villupuram Police Station,
Villupuram.

+1cc to M/s.D.Veerasekaran, Advocate, S.R.No.34797

CrI.O.P.No.1065 of 2021
and
CrI.M.P.No.679 of 2021

PMK(CO)
UMA(12/07/2022)