



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.4488 of 2019
and
Crl.M.P.No.2686 of 2019

K.N.Palaniappan

... Petitioner

Versus

1. State represented by
The Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.

2. R.Jeevagan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to call for the records in Crime No.82 of 2015 on the file of the learned Judicial Magistrate, Cheyyar and quash the same.

For Petitioner : Mr.M.Mohammed Rafi

For R1 : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

For R2 : No appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the C.C.No.82 of 2015 on the file of the learned Judicial Magistrate, Cheyyar.

2. The learned Counsel for the Petitioner invited the attention of this Court to the notice taken to the de facto Complainant as per the order of this Court on the previous date of hearing on 07.04.2022. Accordingly, he had taken private notice to the 2nd Respondent. As per the tracking record downloaded from the website of the Postal Department, registered post sent to the address of the 2nd Respondent/ de facto



Complainant which was returned unserved with an endorsement as "door locked". The learned Counsel for the Petitioner furnished the receipt of the same as well as the downloaded printed copy from the website of the Postal Department.

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3. Further he invited the attention of this Court to the complaint, charge sheet and the statement of the de facto Complainant/ 2nd Respondent stating that based on a vehicle check up conducted by the Thiruvannamalai Police within the jurisdiction of Thiruvannamalai District. Hence, this case had been foisted without any documents to link the Petitioner to the alleged offence and charge sheet had been lodged before the Court of the learned Metropolitan Magistrate. It is the contention of the Petitioner that he had enclosed a copy of the Registration Certificate in Page Nos.39 and 40 of the typed set of papers along with Driving License of the Petitioner regarding the Identity Card and the Aadhaar Card. Further, it is the case of the Petitioner that there are Nachiappa Stores (stickers shop), only for the purpose of statistic basis, these cases are registered and charge sheet is laid before the Court concerned to cause harassment to the Petitioner. On an earlier occasion, the Petitioner had moved a Crl.O.P.No.20496 of 2015, in which, this Court had similarly quashed the charge sheet. He had furnished the copies of the same.

4. The learned Government Advocate (Crl.Side) appearing for the first Respondent vehemently objects the submission of the learned Counsel for the Petitioner stating that though the earlier case was quashed, that shows he had indulged in similar offences.

5. The learned Counsel for the Petitioner by way of rejoinder to the submission of the learned Government Advocate (Crl. Side) for the first Respondent submitted that no documents had been seized either from the owner of the vehicle concerned or from any of the witness of the prosecution. In such circumstances, the filing of charge sheet against the Petitioner repeatedly amounts to harassment. Therefore, the Petitioner seeks to quash the charge sheet in C.C.No.82 of 2015 on the file of the learned Judicial Magistrate, Cheyyar.

6. On perusal of the typed set of papers furnished along with the petition and in the light of the order dated 01.10.2021 passed by another Bench of this Court in Crl.O.P.No.20496 of 2015, this petition is allowed.



7. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No. 82 of 2015 pending on the file of the learned Judicial Magistrate, Cheyyar is quashed. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gba

To

1. Judicial Magistrate, Cheyyar.
Thiruvannamalai District.
2. The Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.M.Mohammed Rafi, Advocate, S.R.No.28099

CrI.O.P.No.4488 of 2019
and
CrI.M.P.No.2686 of 2019

MT (CO)
SU (13/05/2022)