



Crl.O.P.No.6340 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6340 of 2019

and

Crl.M.P.No.3497 of 2019

Kalaiselvan

... Petitioner

-Vs.-

1.State rep by
The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
Crime No.336 of 2017.

2.Selvaraj

.. Respondent

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records and to quash the charge sheet in C.C.No.72 of 2018 which is pending before learned Judicial Magistrate II, Virudhachalam, Cuddalore District.



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For Petitioner :Mr.Krishnasamy Chinnasamy
For Respondent :Mr.N.S.Suganthan,
Government Advocate (Criminal side)
for R1
R2 - died

ORDER

This Criminal Original Petition has been filed to quash the *suo motu* complaint, which is given by Special Sub-Inspector of Police, alleging that the petitioner herein had prevented him from executing his official duty while on surveillance to check the illegal sand mining.

2. When the matter is listed today, the learned Government Advocate (Criminal side) reports that the *de facto* complainant, Mr.Selvaraj, died two years ago.

3. The allegations against this petitioner appears to be interfering in the discharge of the official duty. Hence, this Court is of the view that though it is claim that it is a motivated complaint, it is for the trial Court to test the velocity of the claim in the trial and take a decision.



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4. Therefore, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is also closed.

11.10.2022

Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

nsa

To

1.The Judicial Magistrate II,
Virudhachalam,
Cuddalore District.

2.The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
Crime No.336 of 2017.

3.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN.J.,

nsa

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