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Crl.O.P.No.15301 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.06.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.15301 of 2020

and

Crl.M.P.No.5831of 2020

Sankar

... Petitioner

Vs.

1. State rep. by its
Inspector of Police,
Nallan Pillai Petral Police Station,
Gingee Taluk,
Villupuram District - 604 153
(Crime No.107/2019)

2. Vadivel

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.17 of 2020 on the file of the Judicial Magistrate Court, Gingee and to quash the same.

For Petitioner : Mr.D.Manimaran
for Mr.P.Manish

For Respondent 1 : Mr.A.Gopinath
Government Advocate
(Crl.side)



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ORDER

This petition has been filed to quash the proceedings in C.C.No.17 of 2020 on the file of the Judicial Magistrate Court, Gingee, for the offences under Sections 341, 294(b), 323, 324, 506(ii) of IPC in Crime No.107 of 2019, as against the petitioner.

2. Heard both sides and perused the materials available on record.

3. Based on the complaint lodged by the second respondent, the first respondent had registered the F.I.R., in Crime No.107 of 2019 for the offences under Sections 341, 294(b), 323, 324, 506(ii) of IPC alleging that the petitioner was upset due to the arrest of one Tahsildar, on the complaint of the defacto complainant. By virtue of the same, the petitioner was frustrated by the said act of the defacto complainant and he used filthy language and threw stones at the defacto complainant and also threatened the defacto complainant to withdraw the charges filed against the Tahsildar. Hence, this complaint.



4. The learned Counsel appearing for the petitioner submitted that more than 12 villages comes under the jurisdiction of the Tahsildar and each village has sufficient Village Administrative Officers for doing their respective works. Likewise there are several headman/Village Assistants to assist the village authorities i.e., VAOs. In these circumstances, the petitioner would not know about the fact of the incident which is alleged to have occurred between the defacto complainant and the Tahsildar, whose name is mentioned in the FIR and the petitioner has been falsely implicated in this case.

3. On a perusal of the materials available on record, it shows that the petitioner does not know who is the Tahsildar, and he was arrested on the complaint lodged by the second respondent herein. That apart, the petitioner has already filed quash petition to quash the F.I.R. When this Court granted interim stay, the first respondent Police without knowing the fact, filed the final report and the same has been taken cognizance of in C.C.No.17 of 2020.

4. Further, before the Trial Court, victim/PW1 was examined and he deposed that on 26.03.2019 at about 7.00 p.m.. somebody



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attacked him and ran away. On mere suspicion, he lodged the complaint and the petitioner is not the real accused. Therefore, the Trial court treated him as hostile witness and had cross examination. Likewise, PW2 was examined and he also turned hostile witness. Therefore, no purpose would be served if the trial is allowed to continue further, as against the petitioner.

5. Considering the above facts and circumstances, this Court is inclined to quash the proceedings in C.C.No.17 of 2020 on the file of the Judicial Magistrate Court, Gingee. Accordingly, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

24.06.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
nti/ata



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To

1. The Judicial Magistrate,
Gingee
2. The Inspector of Police,
Nallan Pillai Petral Police Station,
Gingee Taluk,
Villupuram District - 604 153
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
nti/ata

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