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CRL.O.P.No.19383 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.19383 of 2020

&

CrI.MP.No.7785 of 2020

Sudhakar

... Petitioner

Vs.

1.The State, represented by
Inspector of Police,
Vaduvoor Police Station,
Thiruvarur District.
(Crime No.821 of 2020).

2. Manikandan,
Grade – II, Police Constable,
Vaduvoor Police Station,
Thiruvarur District.
(R2 impleaded as per Order in
CrI.M.P.No.4794 of 2021 in
CrI.O.P.No.19383 of 2020 dt.,17.04.2021)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.
praying to call for the records made in C.C.No.454 of 2020, on the file of
Judicial Magistrate-1, Mannargudi and quash the same.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.A.Gopinath
Government Advocate (CrI.side)



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ORDER

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This Petition has been filed for quashment of the proceedings in CC.No.454 of 2020 on the file of the Judicial Magistrate – 1, Mannargudi, thereby taken cognizance for the offences under Sections 294(b), 353 & 506(ii) of IPC and Section 4(1) (j) TNP Act, as against the petitioners.

2. The case of the prosecution is that on 15.06.2020, when the 2nd respondent and his team were in search of vehicles, at about 8.30 p.m., the accused persons were playing cards and after seeing the police persons, they flew away after leaving their motor-cycle Yamaha FZ TN 50 AW 9608. Thereafter, they came to the police station and scolded the police personnels in filthy language and also threatened them with dire consequences and demanded the bike key.

3. The learned counsel appearing for the petitioner pointed out that, on the same day, at about 8.30 hrs, all the accused persons were arrested in Crime No.820 of 2020 for the offences under Section 12 of the TN Gaming Act, 1930. On perusal of the First Information Report, at about 8.30 p.m., they were arrested and at about 9.40 p.m., registered the First Information Report in



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Crime No.820 of 2020 and thereafter, handed over to the station para Police.

Therefore, the present case in Crime No.821 of 2020 is falsely foisted against the petitioner and others that they have demanded their bike key which was seized by the respondents.

4. In view of the same, the present case is nothing but a put up case and it is a clear abuse of process of Law. Therefore, it cannot be sustained as against the petitioner and it is liable to be quashed.

5. Hence, this Criminal Original Petition is allowed and the proceeding in C.C.No.454 of 2020 on the file of the Judicial Magistrate-1, Mannargudi is hereby quashed. Consequently, connected miscellaneous petition is closed.

01.07.2022

Internet:Yes/No

Index :Yes/No

Speaking/Non speaking order

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

1. The Judicial Magistrate - 1,
Mannargudi.
2. The Inspector of Police,
Vaduvoor Police Station,
Thiruvarur District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

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