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Crl.O.P.No.19148 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 15.12.2022**

**CORAM**

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**Crl.O.P.No.19148 of 2019 and**  
**Crl.M.P.No.9789 of 2019**

1.Manokaran  
2.Vijaya  
3.Devi  
4.Midhun

... Petitioners

/vs/

1.The Inspector of Police,  
Vaniyambadi Taluk Police Station,  
Vaniyambadi Taluk,  
Vellore District.  
(Cr.No.112 of 2017)

2.Venkatachalam

... Respondents

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records in connection with the proceedings in STC No.337 of 2019 on the file of the District Munsif cum Judicial Magistrate, Vaniyambadi and quash the same.

For Petitioners

... No appearance

For Respondents

... Mr.A.Gopinath,  
Govt. Advocate (Crl.Side) for R1  
Mr.G.Nirmal Krishnan for R2



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**ORDER**

This Criminal Original Petition has been filed to call for the records in connection with the proceedings in STC No.337 of 2019 on the file of the District Munsif cum Judicial Magistrate, Vaniyambadi and quash the same.

2. Heard the learned counsel for the second respondent and the learned Government Advocate (Crl.Side) appearing for the first respondent.

3. The case of the prosecution on the basis of the complaint given by the second respondent is that on 19.03.2017, the petitioners had torn the seat of the second respondent's two wheeler bearing Registration No.TN 23 BZ 2374 and when enquired about the same with the petitioners, they abused the second respondent in filthy language and threatened him with dire consequences.

4. The learned counsel for the petitioners is not present and the learned counsel for the second respondent requests time by stating that the learned counsel for the petitioners is not ready.

5. The learned Government Advocate (Crl.Side) appearing for the



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first respondent submitted that there are sufficient materials available on record and the witnesses had stated about the occurrence in a detailed manner and hence the petitioners should be subjected to trial.

6. On perusal of the records especially FIR, it is seen that the time of occurrence was not mentioned. Even in the statement of witnesses, there is a generalised statement that the petitioners have abused the second respondent in filthy language. It is not even known from the materials on record whether the place of occurrence is in a public vicinity or it is inside the street or house. So as per the statement of the second respondent, it is seen that there is a space of 250 Sq.ft left on the eastern side of the house in which the second respondent used to park his vehicle. There is no eye witness to the occurrence.

7. The second respondent had presumed that the petitioners had sat on the seat of his vehicle and torn it. The investigation also does not reveal the involvement of the petitioners in tearing the seat of the second respondent's vehicle. L.W.1 is the defacto complainant and the L.W.2 is his



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wife. Their submissions do not reveal whether they had seen the occurrence where the petitioners had damaged the vehicle seat. Even the neighbours of the second respondent who are listed as L.W.3 and L.W.4 also did not state that they had witnessed the petitioners damaging the vehicle of the second respondent. The second respondent had given the complaint only out of his own presumption and there is no strong materials available on record in order to fix the petitioners in this case. The materials even it is uncontroverted will not make any offence against the petitioners. Hence I feel it is appropriate for this Court to invoke the powers of this Court by exercising its jurisdiction under Section 482 of Cr.P.C., to quash the proceedings.

8. With the above observations, this Criminal Original Petition is allowed and the the proceedings in STC No.337 of 2019 on the file of the District Munsif cum Judicial Magistrate, Vaniyambadi is set aside. Consequently, connected miscellaneous petition is closed.

**15.12.2022**

Index: Yes/No  
Internet: Yes/No  
gsk

To



CrI.O.P.No.19148 of 2019

1.The District Munsif cum Judicial Magistrate,  
Vaniyambadi.

2.The Inspector of Police,  
Vaniyambadi Taluk Police Station,  
Vaniyambadi Taluk,  
Vellore District.

3.The Public Prosecutor,  
High Court, Madras.



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**R.N.MANJULA ,J.**

gsk

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**15.12.2022**