



Crl.O.P.No.20011 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.20011 of 2021

1. Mr. K.S. Kaleelur Rahman
 2. Mr.Faizal Ahmed
 3. Mr.Ismail
 4. Mr.Mohammed Farooq
- .. Petitioners

Vs

1. The State, represented by
Sub-Inspector of Police,
Vaniyambadi Police Station,
Thirupattur District.
 2. Nizar Ahmed
- .. Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to Crime No.408 of 2021 on the file of the respondent police and quash the same.

For Petitioner : Mr. K.P.Chandrasekaran

For Respondents : Mr. A. Damodaran, APP -R1
M/s.V.Ananthi -R2



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ORDER

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This Criminal Original Petition has been filed to call for the records relating to Crime No.408 of 2021 on the file of the respondent police and quash the same.

2. The learned counsel for the petitioners submitted that they are the workers of an old Masjid situate at Muslimpur, Thirupathur District and they are doing the burial work of dead bodies which are brought to the said Masjid; for burying any deadbody one has to get prior permission from the Muthavalli of that Masjid; the defacto complainant brought a body of his relative for burial; but did not get prior permission; hence the petitioners refused to do the burial work; enraged over the same, the 2nd respondent gave a false complaint in order to wreck his vengeance on the petitioners. Hence he prayed to quash the criminal proceedings initiated against them.

3. The learned Additional Public prosecutor appearing for the 1st respondent submitted that in the complaint given by the 2nd respondent, there are allegations that the petitioners have abused the defacto complainant in a



filthy language and also assaulted him. He would further submit that investigation in this case is still pending and there is scope for further investigation.

4. It is seen that in the complaint given by the 2nd respondent, he has narrated the occurrence that had occurred on 13.6.2021 at about 7 p.m. It is alleged in the complaint that while the 2nd respondent went to the Masjid in order to bury the dead body of his relative, the 1st accused who already received Rs.5000/- for doing the job of burial, refused to do the same; hence, the 2nd respondent was called for discussion with the Muthavalli of that Masjid; at that time, the 1st petitioner came there, abused the 2nd respondent in a filthy language and also attacked him with a chair on his right fore head and other parts of his body. It is further alleged that the other accused joined the first accused and assaulted the 2nd respondent.

5. Perusal of the complaint given by the petitioner reveals that there are sufficient materials available for a prima facie case for the offences punishable under section 294(b), 323, 324 and 506(ii) IPC. At the threshold



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stage, no roving enquiry can be conducted and hence investigation should be allowed to continue. Hence, I feel it is appropriate to allow the 2nd respondent to continue with further proceedings of investigation.

6. In view of the above discussion, this Criminal Original Petition is dismissed.

22.11.2022

Index : Yes / No
Internet : Yes/ No
msr

To

1. The Sub-Inspector of Police,
Vaniyambadi Police Station,
Thirupattur District.

2.The Public Prosecutor,
Madras High Court.



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R.N.MANJULA, J.

msr

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