



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.03.2022

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.21108 of 2019
and
Crl.M.P.No.10881 of 2019

1.K.Ayyamperumal
2.Jaiganesh
3.Chandrakumar

.. Petitioners

/versus/

1.The State rep.by
The Inspector of Police,
V.Kalathur Police Station,
Veppanthattai Taluk,
Perambalur District.
(Crime No.345/2016)

2.N.Vimalkumar, HC 1186,
S/o Nagarajan,
V.Kalathur Police Station,
Veppanthattai Taluk,
Perambalur District.

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C to call for the records of the proceedings in C.C.No.173 of 2019 on the file of the Judicial Magistrate, Perambalur and quash the same.

For Petitioners :Mr.G.Prabhu
For Respondents :Mr.S.Santhosh
Government Advocate (Crl.Side)
for R1
No appearance for R2

O R D E R

The petitioners herein are arrayed as A1 to A3 in the complaint given by the Head Constable on duty alleging that when there was public gathering in front of V.Kalathur Indian Overseas Bank on 30.11.2016 at about 10.00 a.m., on the instructions of the Sub Inspector of Police, Mr.VimalKumar, Head Constable, who is the defacto complainant went to the spot to disburse the crowd. At that time, the crowd started engaging themselves to prevent the movement of the public bus transport. When he advised them to disburse the accused



persons, they used abusive language and prevented him from discharging his official duty. Hence, the complaint has been lodged in Crime No.345 of 2016. The petitioners herein seek to quash this complaint. Subsequently, on completion of investigation, final report has been filed before the Judicial Magistrate, Perambalur and the same was taken on file as C.C.No.173 of 2019.

2. According to the petitioners, the case is a false case registered by the police and these petitioners are law graduates and they are waiting for their enrollment. To prevent them from getting enrolled, with the help of the other police men as witnesses, the case has been registered and final report has also been filed. Since they are innocent persons, the final report has to be quashed.

3. This Court on many occasions has held that invoking the power under Section 482 of Cr.P.C to quash the final report has to be sparingly used. Just because the petitioners are law graduates and waiting for their enrollment, such power cannot be exercised. From the statement of the witnesses recorded under Section 161 of Cr.P.C, it is clear that while the defacto complainant, who is the Head Constable went to the spot to discharge his duty to disburse the crowd gathered in front of the Nationalised Bank, the petitioners abused the defacto complainant in filthy language and prevented him from discharging the duty. If the statement of the witnesses are proved in the Court of law, the conviction of the petitioners is certain. Therefore, the petitioners are bound to face the trial and disprove the case of the prosecution.

4. For the said reasons, this Criminal Original Petition is dismissed. The trial Court is directed to take up the trial and complete the trial as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Judicial Magistrate, Perambalur.

2. The Inspector of Police,
V. Kalathur Police Station,
Veppanthattai Taluk,
Perambalur District.

3. The Public Prosecutor, High Court, Madras.

CrI.O.P.No.21108 of 2019
and CrI.M.P.No.10881 of 2019

pl (CO)

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A.SK(01/04/2022)