



WEB COPY



Crl.O.P.No.29514 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.29514 of 2022

Nirmal Tharkar ... Petitioner
/vs/

1. The State Rep. by
its Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai – 600 001.
(Crime No.623 of 2017)

2. S.Dhanapal ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records and quash the charge sheet in C.C.No.7078 of 2017 pending on the file of the learned chief Metropolitan Magistrate at Egmore, Chennai.

For Petitioner ... Mr.P.Arivumani
For 1st Respondent ... Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.7078 of 2017 on the file of the learned Chief Metropolitan Magistrate at Egmore, Chennai.



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2. On the complaint given by the 2nd respondent, a case has been registered against the petitioner and others for the offences under Sections 147, 148, 341, 353, 332, 324 and 506 (ii) of IPC and Section 3 (i) of the TNPPDL Act, 1992. The case of the prosecution is that on 19.03.2017 at about 10.30 a.m., when the defacto complainant had involved in vehicle check up, the 8th accused by name Dinesh was carrying a box containing 12 imported decorative horse statues; when the defacto complainant asked him to produce bills, he called the other accused by name Jithu and the said Jithu came with the rest of the accused to the place of occurrence and formed an unlawful assembly with an intention to create troubles and pulled away the defacto complainant and assaulted him and damaged his vehicle. Subsequently on the complaint given by the 2nd respondent, a case has been registered in C.C.No.623 2017 for the offences under Sections 147, 148, 341, 353, 332, 324 and 506 (ii) of IPC and Section 3 (i) of the TNPPDL Act, 1992 and after completing investigation, the charge sheet has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.



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4. The learned counsel for the petitioner submitted that despite the occurrence is said to have been occurred in the year 2017, so far no progress has been made. The defacto complainant has seized the decorative horse statue only from the 8th accused. This petitioner who is the 1st accused has got no overt act in the act and there is no materials shown against the petitioner to sustain the case of the prosecution.

5. The learned Additional Public Prosecutor appearing for the 1st respondent submitted that the very same accused has filed another petition before this Court in Crl.O.P.No.17526 of 2021 for seeking the very same relief and the same is pending.

6. In view of the above submission made by the learned Additional Public Prosecutor, this petition is not maintainable. Hence, this Criminal Original Petition stands dismissed.

02.12.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
vum



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R.N.MANJULA ,J.

vum

To

1. The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai – 600 001.
2. The Public Prosecutor,
Madras High Court,
Chennai.

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