



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.2574 of 2022

and

Crl.M.P(MD)No.1916 of 2022

R.Ramesh ...Petitioner/Accused No.2

Vs.

1.The State represented by its
The Inspector of Police,
Vathalai Police Station,
Trichy. ...1st Respondent/Complainant
(Crime No.348 of 2020)

2.Vinoth
II Grade Constable,
Vathalai Police Station,
Trichy. ...2nd Respondent/
Defacto Complainant

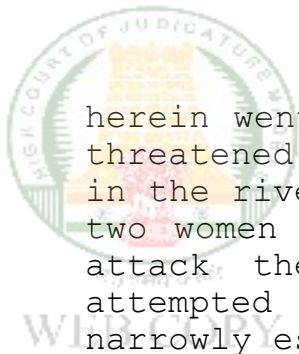
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the FIR in Crime No.348 of 2020 on the file of the first respondent police and quash the same as illegal in respect of the petitioner herein.

For Petitioner : Mr.G.Praveenkumar
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to quash the FIR registered in Crime No.348 of 2020, for the offences under Sections 147, 148, 294(b), 353, 332, 307, 506(2), 269, 270, 379 of the Indian penal Code r/w. 21(1) Mines and Minerals (Development and Regulation) Act 1957.

2.The case of the prosecution is that on the date of occurrence i.e.,14.04.2020 at about 03.00 am, the defacto complainant, who is the II Grade Constable of the respondent police station patrolled along with Home Guard Kathikeyan at that time the second respondent found a habitual offender Vijayakumar @ Muli Kumar near Ayyan Vaaikal bridge and questioned him. Thereafter, the petitioner



herein went to the place of occurrence and used filthy language and threatened the defacto complainant, two others pushed a two wheeler in the river, in which river sand was carried and then, five men and two women went with spade, wooden log and bond pan etc., tried to attack the defacto complainant. Particularly, the petitioner attempted to attack with a spade but, the defacto complainant narrowly escaped. Hence, FIR had been registered in Crime No.348 of 2020 on the file of the first respondent police.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No. 348 of 2020 for the offences under Sections 147, 148, 294(b), 353, 332, 307, 506(2), 269, 270, 379 of the Indian penal Code r/w. 21(1) Mines and Minerals Development and Regulation Act, 1957.

4.The learned Additional Public Prosecutor would submit that the though the first respondent has completed the investigation and filed the final report in Crime No.348 of 2020 before the Judicial Magistrate, Musiri as early as on 24.03.2021. However, the said final report was returned to file the same before the competent Court as since the constitution to Special Court is pending and as such the first respondent could not be able to re-present the same.

5.Recording the same, this Criminal Original Petition stands dismissed as infructuous. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Inspector of Police,
Vathalai Police Station,
Trichy.



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P (MD) No.2574 of 2022
07.02.2022

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