



Crl.O.P.(MD) No.4414 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.4414 of 2022

and

CrI.M.P(MD) No.3147 of 2022

Tippu sulthan

...Petitioner

-VS-

**1. The Inspector of Police
Tenkasi Police Station,
Tenkasi District**

**2. K.Adivel
S/o. Not known
The Inspector of Police
Tenkasi Police Station,
Tenkasi District**

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to charge sheet in STC No.320 of 2020 in Crime No.634 of 2019 pending on the file of the learned Judicial Magistrate, Tenkasi as illegal and quash the same.



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For Petitioner : Mr. A.Syed Abdul Kather
For R-1 : Mr.K.Sanjai Gandhi
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in STC No.320 of 2020 in Crime No.634 of 2019 pending on the file of the learned Judicial Magistrate, Tenkasi

2. It is the contention of the learned Counsel for the Petitioner that the complainant is the Investigation Officer himself. Therefore the charge sheet cannot be proceeded further. He would further submit that there is no rough sketch prepared by the Investigating Officer and without rough sketch how the place of occurrence can be appreciated by the Court during trial. The learned Counsel for the Petitioner invited the attention of this Court to the reported ruling of the Hon'ble Supreme Court in the case of ***Mohanlal .Vs. The State of Punjab reported in (2018)7SCC 627.***



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3. The learned Government Advocate(Crl.Side) objected to the submission of the learned Counsel for the Petitioner stating that on the date of occurrence i.e., on 15.11.2019 the Petitioner along with 217 people had assembled in the public place threatening public peace, thereby affecting the movement of people and vehicle on the ground of judgment of the Hon'ble Supreme Court in Ayothiya temple case. Therefore the case has been registered.

4. On perusal of the reported ruling and on perusal of copy of charge sheet enclosed along with this petition, the objection of the learned Government Advocate(Crl.Side) is rejected and the contention of the learned Counsel for the Petitioner is found acceptable in the light of the facts highlighted by the learned Counsel for the Petitioner. The Complainant herein in the case and the Investigating Officer are one and the same. The reported ruling of the Hon'ble Supreme Court in the case of ***State of Haryana vs.Ch.Bhajan Lal (AIR) 1992 SC 604*** furnished by the learned Counsel for the Petitioner is sufficient to quash the charge sheet.



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5. In the light of the above, this Criminal Original Petition is allowed and the proceedings in STC No.320 of 2020 pending on the file of the learned Judicial Magistrate, Tenkasi is here by quashed. Consequently connected miscellaneous petition is closed.

01.11.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Judicial Magistrate, Tenkasi
2. The Inspector of Police
Tenkasi Police Station,
Tenkasi District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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