



Crl.O.P.(MD) No.8382 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.8382 of 2022

and

Crl.M.P(MD) Nos.5640 and 5642 of 2022

Manikandan,

: Petitioner

Vs

1.The State represented by
The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
Crime No. 23 of 2021.

2. Velaiah,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to the case registered in impugned charge sheet in PRC No. 1 of 2022, on the file of the learned District Munsif cum Judicial Magistrate, Sivagiri in Crime No. 23 of 2021, on the file of the first respondent police.



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For **Petitioner** : **M/s.Manikandan R,**
For R1 : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to quash the charge sheet in PRC No. 1 of 2022, on the file of the learned District Munsif cum Judicial Magistrate, Sivagiri.

2.The petitioner appeared as party in person and submitted that the complainant/Velaiah involved in sand theft. He is the sand theft offender. The petitioner gave a complaint against him to the Government authorities and also to the Registrar, Madurai Bench of Madras High Court, Madurai. He was directed to lodge a complaint in this regard before the police officials. Under these circumstances, a complaint had been lodged by the said Velaiah and for the same, an FIR had been registered in Crime No.23 of 2021, dated 16.01.2021, as though on 16.01.2021 at about 11.00 am when the complainant came to the field for grassing his cow, the petitioner attempted to assault him with Aruval and thereafter, he threatened with dire consequences and then, he ran away from the place of occurrence. Hence the complaint. After



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investigation, the respondent police has prosecuted the petitioner under Sections 294(b), 324, 307 and 506(2) of IPC. The petitioner further contended that even the Government Doctor stated that the injured sustained only mild tender on the left side of the chest and there is no grievous injury. By abusing the process of Court, the charge sheet had been filed against him under Sections 294(b), 324, 307 and 506(2) of IPC and it was taken on file in P.R.C.No.1 of 2022, on the file of the District Munsif cum Judicial Magistrate, Sivagiri, which is the clear misuse of process of law and obviously, a false case was foisted against him. Hence, he pleaded to quash the proceedings in P.R.C.No.1 of 2022.

3.The learned Additional Public Prosecutor submitted that based on the complaint lodged by the complainant, an FIR has been registered in Crime No.23 of 2021, on 16.01.2022 under Sections 294(b), 324, 307 and 506(2) of IPC and after investigation, the respondent police filed the charge sheet against the accused person. Further, he stated that the complainant also stated the same version in the Section 160 Cr.P.C statement. Since the complainant sent a notice to the petitioner, he remained absent and not appeared before the trial Court.



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4.I have considered the submissions made by both the parties.

5.On a perusal of FIR, it is seen that in the complaint, on 16.01.2021, at 11.00 am, when the complainant/Velaiah while grassing his cow in the field, the accused/petitioner threatened him and attempted to assault him with aruval and thereafter, assaulted with stone and caused injury to the complainant. Hence, the complaint had been given and an FIR had been registered.

6.On a perusal of the accident register, it reveals the fact that the complainant sustained a mild tender in the left side of his chest and no external injuries. He was treated as an out-patient. Instead of this accident register, the respondent police filed the charge sheet against the accused under Section 294(b), 324, 307 and 506(2) of IPC. It is a clear case of misuse of process of Court by the police with obvious reasons. It cannot be permitted.

7.In view of the above, I am of the opinion that the criminal proceedings had been initiated with obvious reasons to help the complainant.



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Therefore, the Inspector General of Police, South Zone, is directed to initiate disciplinary action against the Inspector of Police, Vasudevanallur Police Station for mis-using the process of Court and for foisting a case against the petitioner.

8. Therefore, the criminal proceedings in P.R.C.No.1 of 2022, on the file of the learned District Munsif cum Judicial Magistrate, Sivagiri, is hereby quashed. Accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

27.06.2022

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



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V.SIVAGNANAM, J.

lr

To

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

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

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