



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.7915 of 2022

and

Crl.M.P(MD)Nos.5368 and 5369 of 2022

Ganesh Kumar

...Petitioner/Sole Accused

Vs.

1. The Inspector of Police

Krishnankovil Police Station

Virudhunagar District.

(Crime No.160/2021)

...1st Respondent/Complainant

2. Manikandan

...2nd Respondent/

Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in S.T.C.No.1640 of 2021 on the file of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District and quash the proceedings as against the petitioner herein.

For Petitioners : Mr.R.Ilayaraja

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to quash the proceedings in S.T.C.No.1640 of 2021 on the file of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District and quash the same.

2. The case of the prosecution is that on 27.09.2021, at about 8.15 pm., when the defacto complainant along with police party were under surveillance, they notice the petitioner and he was possessing an Aruval and causing nuisance to the general public. After completion of investigation, the second respondent himself investigated the case and filed a final report.

3.It is seen from the records that the petitioner was acquitted vide judgment dated 16.08.2021 in C.C.No.38 of 2015 in pursuant to the registration of First Information Report in Crime No.88 of 2012 on the file of the second respondent. Immediately, the present case has been registered as against the petitioner. There is absolutely, no material to substantiate the stand that there was disturbance to



the public peace. That apart, except the official witnesses, there is no material to substantiate the allegations and the entire allegations are trivial in nature.

4. In view of the above the proceedings in S.T.C.No.1640 of 2021 on the file of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District, cannot be sustained as against the petitioner. Accordingly, the proceedings in S.T.C.No.1640 of 2021 on the file of the learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District, is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

pnn

To

1. The Judicial Magistrate No.II,
Srivilliputhur,
Virudhunagar District
2. The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R. ILAYARAJA, Advocate (SR-21758[F] dated 27/04/2022)

CrI.O.P.(MD) No.7915 of 2022

and

CrI.M.P (MD) Nos.5368 and 5369 of 2022

27.04.2022

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