



CRL.O.P (MD) No.11936 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11936 of 2022

and

CrI.M.P(MD)Nos.7540 and 7542 of 2022

V.Mahesh Kumar

...Petitioner/Accused No.3

Vs.

1.The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
(Crime No.85 of 2021)

...1st Respondent/Complainant

2.S.Radhakrishnnan

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the impugned charge sheet in C.C.No.79 of 2022 on the file of the Judicial Magistrate Court No.II, Sattur in Crime No.85 of 2021 U/s.294(b), 323, 355 and 506(i) IPC on the file of the respondent No.1 and quash the same as illegal.

For Petitioner : Mr.J.Udhayakumar

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

This petition has been filed to quash the charge sheet in C.C.No.79 of 2022, on the file of the learned Judicial Magistrate No.II, Sattur, in Crime No.85 of 2021, for the offences under Sections 294(b), 323, 355 and 506(i) IPC., on the file of the first respondent.

2.The learned counsel appearing for the petitioner submitted that the case was registered against the petitioner/A3 and other accused persons in Crime No.85 of 2021, for the offences punishable under Sections 294(b), 323, 355 and 506(i) of IPC and the same was taken on file in C.C.No.79 of 2022, on the file of the learned Judicial Magistrate No.II, Sattur, Virudhunagar District. He further submitted that the charge against this petitioner was under Sections 294(b) and 506(i) of IPC alone for that there is no evidence available. Hence, he filed this petition to quash the proceedings.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that the charge against the petitioner was under Sections 294(b) and 506(i) of IPC. For that the de facto complainant in his complaint as well as his 161 Cr.P.C., statement stated that the petitioner abused and threatened the *de facto* complainant along with other two accused persons.

Hence, he pleaded to dismiss the petition.



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4. I have considered the submission of the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

5. On perusal of FIR, it is seen that there was an enmity between the second respondent/defacto complainant's family and one Sathiskumar's family in administering and managing the 'Perumalsamy Temple' in Alangulam. On 31.07.2021, at about 8.30 p.m., the mother of the one Sathiskumar namely, Ramalakshmi had given prasatham to devotees at 'Perumalsamy Temple' in Alangulam. At that time, one Ramesh, S/o.Perumalsamy Nayakkar and his relatives had interfered with the same. The next day i.e., on 01.08.2021, at about 9.30 a.m., while the defacto complainant sitting on the Alangulam bus stop, near Thirupathi Tea Shop, the said Sathiskumar along with his brother Sivakumar and the petitioner/A3 abused the defacto complainant, by using filthy language, the second accused had slapped the defacto complainant with his chapel and the first accused had also slapped and dragged him down. Based on the complaint of the defacto complainant, the case has been registered against the petitioner and others and final report has been filed in C.C.No.79 of 2022 for the offence under Sections 294(b), 323, 355 and 506(i) of IPC on the file of the learned Judicial Magistrate No.II, Sattur, Virudhunagar District. The learned counsel for the petitioner denied the allegations stated in the charge



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sheet as well as the 161 Cr.P.C., statement of the defacto complainant. This denial of allegation is not enough to quash the proceedings against this petitioner. Further, this Court find no material that the criminal proceedings against the petitioner as abuse of process of law. In view of the above, this Court finds no merits in this petition.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are closed.

04.07.2022

Index : Yes / No
Internet : Yes/ No
vsd

To

1. The Judicial Magistrate No.II,
Sattur.
2. The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
(Crime No.85 of 2021)
3. Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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