



Crl.OP.No.888 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.888 of 2023

and

Crl.MP.No.472 of 2023

U.Sathish Kumar

... Petitioner

Vs.

1. The Inspector of Police
Sholingur Police Station,
Ranipet District.
(crime No.68 of 2022)

2. Sivanandam

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the crime no.68/2022 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Raja Ravi Varma

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)



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ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.68 of 2022 on the file of the first respondent.

2. The learned counsel for the petitioner submitted that the petitioner is an agent of the first accused, his mother, who contested in ward election on 19.02.2022. When the defacto complainant and other two persons viz., Chinnasamy and Sankar came to cast their vote, it was objected to by the petitioner/A2. Because of the objection made, this complaint was falsely made against the petitioner and others before the respondent police and the same was registered. Therefore, this petition.

3. On the other hand, the learned Government Advocate (Criminal Side) submitted that the petitioner and other accused persons indulged in violence and made physical assault against the injured and made criminal intimidation. Therefore, based on the complaint, an FIR was registered in Crime No.682 of 2022 by the respondent police for the offences under Section 147, 294(b), 323,



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506(i), 171(c), 171(f), 188 & 270 of IPC read with Section 51(b) of the Disaster Management Act 2005, read with Section 131 of the Representation of People Act 1951. The injured Sivanandam suffered external injuries and investigation is almost completed in this case and wound certificate is to be renewed. As soon as the wound certificate is received, final report would be filed.

4. Considered the rival submissions. On a perusal of the FIR, it is seen that on 19.02.2022 at about 11.30 pm. there was local election in 10th ward of Sholingur Municipality and the defacto complainant and the first accused contested against each other. The second accused and the third accused viz., vicky @ Vignesh along with other 10 persons have scolded one Chinnasamy and Sankar in filthy language and objected their voting. The accused persons made physical assault against the defact complainant Chinnasamy and Sankar. In the said process, they suffered injuries. Therefore, the complaint was given against the accused persons. On a reading of the complaint, it is clear that cognizable offence have made out against the accused persons for registration and investigation.



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5. The Accident Registrar shows that one Sivanandam suffered external injuries, Abrasion in the right arm 5cm. x 2 cm. , Abrasion in Right fore arm and lower back. This Court feels that there are *prima facie* materials available for proceedings against the petitioner and other accused persons for the offences registered against them. This Court finds no merit in this criminal original petition.

6. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

19.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

1.The Inspector of Police
Sholingur Police Station,
Ranipet District.

2.The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.

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