



WEB COPY



Crl.O.P.No.4280 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4280 of 2023

and

Crl.M.P.Nos.2691 of 2023

D.Srinivasan

...

Petitioner

-VS-

1.The State represented by Inspector of Police,
E1, Mamallapuram Police Station,
Chengalpattu District.

2.Sathish Metha

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records in Crime No.526 of 2022, pending on the file of the Inspector of Police, E-1 Mammallapuram Police Station, Chengalpattu and quash the same as against the petitioner.

For Petitioner

... Mr.M.Ganesan

For R-1

... Mr.S.Santhosh
Government Advocate (crl.side)



Crl.O.P.No.4280 of 2023

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.526 of 2022, pending on the file of the Inspector of Police, E-1 Mammallapuram Police Station, Chengalpattu and quash the same as against the petitioner.

2. Learned counsel for the petitioner submitted that, there are lot of improvements from the complaint allegations and statement of defacto complainant. The complainant was not at all involved in the offence as alleged in the complaint. After this First Information Report was registered, yet another First Information Report was registered against the petitioner and summons under Section 110 of Cr.P.C was issued. He further submitted that, subsequently, 110 Cr.P.C proceeding was suspended. Under these circumstances, this petition is filed for quashing Crime No.526 of 2022, pending on the file of the Inspector of Police, E-1 Mammallapuram Police Station, Chengalpattu.



3. Learned Government Advocate (Criminal side) submitted that, investigation in this case is pending. The complaint allegations makes out a clear case of commission of offences under Sections 294(b), 323 and 427 of IPC. Therefore, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. The reading of the First Information Report allegations show that, when defacto complainant entering Mamallapuram, few people were collecting money as entrance fees. When he asked them, why they were collecting entrance fees, they entered into an argument with the defacto complainant. He informed them that, he will park the vehicle and discuss, but one person standing in front of the vehicle was not moving. He requested him to move, but he did not move. All of a sudden, one gentlemen came in a scooter and started arguing. He told the defacto complainant that he is the town councilor. While he was discussing with him, he spat on the defacto complainant. When he asked why he did so, someone came and slapped him and hit his car banet. His wife requested



Crl.O.P.No.4280 of 2023

them not to hit. There was a huge damage caused to the front bannet.

Therefore, this complaint was given.

6. The defacto complainant's statement recorded under Section 163(3) of Cr.P.C is also filed. In the statement, he reiterated what had happened and confirmed the complaint allegations. It is also stated in the statement that, the persons who had beaten and made death threat to him are Srinivasan, Councilor of Mamallapuram and his son Kamalraja.

7. From the First Information Report allegations and statement of defacto complainant, it is clear that commission of cognizable offences under Sections 294(b), 323 and 427 of IPC by the petitioner is made out. The contention of learned counsel for the petitioner that, petitioner is not connected with the incident and it is a false case are disputed facts and required to be investigated by the respondent police. This Court finds that there is no merits in this case. Therefore, quashment of Crime No.526 of 2022, pending on the file of the Inspector of Police, E-1 Mammallapuram Police Station, Chengalpattu cannot be entertained. Accordingly, this



CrI.O.P.No.4280 of 2023

Criminal Original Petition is dismissed. Consequently, the connected

Miscellaneous Petition is closed.

27.02.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order
gd

To

1.The Inspector of Police,
E1, Mamallapuram Police Station,
Chengalpattu District.

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.4280 of 2023

G.CHANDRASEKHARAN, J.

gd

Crl.O.P.No.4280 of 2023

27.02.2023