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Crl.O.P.No.7097 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.7097 of 2023

and

Crl.M.P.No.4452 of 2023

1.Sakthi @ Sakthikumaran

2.Siva @ Sivabalan

... Petitioners

Vs.

1.The Superintendent of Police (West),
Office of the Superintendent of Police,
Villiyannur, Pondicherry.

2.The State represented by,
The Sub Inspector of Police,
Nettapakkam Police Station,
Puducherry.
(Crime No.137 of 2022)

3.Vijayaprabakaran @ Kathir

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.
praying to call for the records relating to the Crime No.137 of 2022 on the file
of 2nd respondent herein against the petitioners / Accused and to quash the
same as illegal, malafide and void under law.

For Petitioners : Mr.P.Veeraraghavan



Crl.O.P.No.7097 of 2023

For Respondents : Mr.Ramachandra Moorthy
Public Prosecutor (Puducherry)
Assisted by
Mr.Alexander
for R1 and R2

ORDER

This Criminal Original Petition is filed to call for the records relating to the Crime No.137 of 2022 on the file of 2nd respondent herein against the petitioners / Accused and to quash the same as illegal, malafide and void under law.

2. It is the submission of the learned counsel for the petitioners that the allegations made in the FIR in Crime No.137 of 2022 are totally false. In fact, the bus in which the defacto complainant was working as a conductor had hit against the first petitioner's two wheeler. When he questioned, the first petitioner was attacked by the defacto complainant / third respondent herein. The petitioner had given a complaint against the defacto complainant / the third respondent in Crime No.138 of 2022 and that was registered for the offences under Sections 509, 147, 148, 294 (b), 323, 324, 506 (ii) and 149 of I.P.C. A case and counter case are pending. The petitioners are unnecessarily implicated on the basis of false allegations. Therefore, this petition is filed.



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3. Learned Government Advocate opposed the submission made by the learned counsel for the petitioners and submitted that investigation in this case is pending.

4. Heard the learned counsel for the parties and perused the records.

5. F.I.R. allegations in Crime No.137 of 2022 show that the defacto complainant was working as a conductor in the bus bearing No. PY.01.9495 in Madukarai to Villupuram Route. On 12.12.2022 at about 01:00 p.m., the bus started from Villupuram and was proceeding towards Pondicherry. A two wheeler was parked on the road near Kariyamaanickam bus stop and that caused disturbance to the free flow of traffic. As a conductor, the defacto complainant got down from the bus and asked the persons nearby as to who is the owner of the vehicle. A lady came and informed that it belongs to her owner. He asked her to park the vehicle without causing disturbance to the traffic and left the place. Thereafter, some persons stopped the bus at Kariyamaanickam bus stop. Petitioners 1.Sakthi @ Sakthikumaran and 2.Siva @ Sivabalan had come with a group of members and started attacking him.



CrI.O.P.No.7097 of 2023

He asked them, why they are attacking him. They scolded him in filthy language, made casteist remarks, criminal intimidation and also had hit him with an iron pipe. As a result, he suffered injuries.

6. It is true that in a similar complaint given by the petitioners, FIR in Crime No.138 of 2022 came to be registered against the third respondent. Both the FIRs make out clear case of commission of cognizable offences by the accused in those FIRs. Therefore, FIR allegations are to be necessarily investigated by the respondent Police.

7. This Court finds no merit in the prayer sought for quashing the FIR in Crime No.137 of 2022. Therefore, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

30.03.2023

ab

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes / No



CrI.O.P.No.7097 of 2023

To:

1.The Superintendent of Police (West),
Office of the Superintendent of Police,
Villiyannur, Pondicherry.

2.The State represented by,
The Sub Inspector of Police,
Nettapakkam Police Station,
Puducherry.

3.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.7097 of 2023

G.CHANDRASEKHARAN, J.

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Crl.O.P.No.7097 of 2023

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