



WEB COPY



Crl.O.P.No.7306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7306 of 2023
and
Crl.M.P.Nos.4658 & 4660 of 2023

Akpar Ali @ Selli Aman

... Petitioner

1. The State Represented by,
Inspector of Police,
Tiruppur South Police Station,
Tiruppur City, Tiruppur.

2. Jabin

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the C.C.No.26/23 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruppur.

For Petitioner : Mr.I.Kowser Nissar

For Respondent : Mr.S.Santhosh (for R1)
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records and quash the C.C.No.26/23 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruppur.

2. The learned counsel for the petitioner submitted that, petitioner is not a name accused in FIR in Crime No.340 of 2021 registered based on the complaint given by the defacto complainant on political motive and the same is taken on file in C.C.No.26 of 2023 on the file of the learned Judicial Magistrate, Additional Mahila Court, Tiruppur. Therefore, this petition is filed seeking quashment of C.C.No.26 of 2023.

3. In response, learned Government Advocate (Crl. Side) submitted that, though petitioner's name was not mentioned in the FIR, defacto complainant and eye-witnesses have clearly named the persons who abused the defacto complainant in a public place and made criminal intimidation.

4. Considered the rival submissions and perused the records. The FIR allegations show that, on 27.03.2021, at about 08.30.p.m., one Sheik Dhavuth, Secretary of Tamil Nadu Muslim League Party involved in campaign,



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supporting one Gunasekaran in the assembly election. Defacto Complainant/second respondent along with his friend Priyanka, after participating in the campaign, started in their Activa Bike. At that time, one unidentified person scolded the defacto complainant/second respondent and his friend in a filthy language and also made criminal intimidation with death threat. On enquiry, it was found that, petitioner was the person, who abused them and made criminal intimidation. Therefore, a complaint was given by the defacto complainant against the petitioner. On the basis of the complaint, FIR was registered in Crime No.340 of 2021 for the offences under Sections 294(b), 506(1) and Section 4 of TNPHW Act, 2002 and final report was also filed.

5. The FIR allegations show that, petitioner stated to have abused the defacto complainant using filthy language. Even in the complaint, petitioner's name is specifically mentioned. The statement of the defacto complainant and eye-witnesses also supported the allegations made in the FIR. Therefore, FIR allegations made against the petitioner, prima facie make out commission of cognizable offence. Therefore, this Court finds no merits in the petition seeking quashment of C.C.No.26 of 2023 on the file of the Judicial Magistrate, Additional Mahila Court, Tiruppur.

6. Accordingly, this Criminal Original Petition is dismissed.



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Consequently, connected miscellaneous petitions are closed.

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To,

1. Inspector of Police,
Tiruppur South Police Station,
Tiruppur City, Tiruppur.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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