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Crl.O.P.No.18645 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No.18645 of 2021 and
Crl.MP.Nos.10255 & 10256 of 2021

Murukeshan

... Petitioner

Vs.

1.State By

Inspector of Police,
Ariyalur Police Station,
Ariyalur District
crime No.138 of 2019

2.Udayakumar

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in STC.No.647 of 2019 on the file of the learned Judicial Magistrate Court No-I, Ariyalur and to quash the same.

For Petitioner

: Mr.R.Thamarai Selvan

For Respondents

For R1

: Mr.A.Gopinathan,
Government Advocate(crl.side)

For R2

: No appearance



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ORDER

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This criminal original petition has been filed to quash the proceedings in STC.No.647 of 2019 on the file of the learned Judicial Magistrate Court No-I, Ariyalur taken cognizance for the offences under Sections 147, 294(b), 353, 506(i) of IPC r/w Section 4(1)(j) of Tamilnadu Prohibition Act as against the petitioner.

2. The case of the prosecution is that the second respondent/Defacto complainant has given a complaint before the first respondent / police on the allegation that on 25.05.2019 when the defacto complainant along with SubInspector of Police one, Durga Devi, Head Constable i.e. Karthik and Head Constables Marimuthu and Manikandan were in rounds in Ariyalur Town near Ariyalur Bus Stand at about 4.45 Pm opposite to Nithya Hotel, six persons in an inebriated condition abused the common public with filthy language. When the defacto complainant and others warned the petitioner and others, at that time, the petitioner and others threatened the defacto complainant and other police persons. On enquiry by the defacto complainant, they came to know that the persons in a drunken mood are Subramani son Samithurai from Kuthur Street, Velayutham son Murugesan from Kadukur, Thangaraju son



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Manikandan from Thungapuram, Krishnan son Thangathurai, Pitchaipillai son Thilaikarasan@ Delhi from Kudikadu. Based on the complaint of the defacto complainant, a case has been registered in Crime No.138 of 2019 for the offences under Sections 147, 294(b), 353, 506(i) IPC r/w Section 4(1)(j) of Tamilnadu Prohibition Act.

3. It is seen that the there are totally six accused, in which the petitioner is arrayed as the third accused. Even according to the prosecution, they assembled together and threatened the police officials. Further they were under the influence of alcohol. Therefore, the first respondent foisted a false case as against the petitioner and others. All the allegations are trivial in nature and in order to threaten the accused persons, the first respondent registered the case and now culminated into trial in STC.No.647 of 2019. That apart, no independent witnesses have been examined by the first respondent in order to bring the charges to home. Therefore, pendency of the impugned proceedings against the petitioner could not serve any purpose since there is no chance for conviction.



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4. Accordingly, the entire proceedings in STC.No.647 of 2019 on the file of the learned Judicial Magistrate Court No-I, Ariyalur is quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

11.10.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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To

- 1.The learned Judicial Magistrate Court No-I,
Ariyalur
- 2.Inspector of Police,
Ariyalur Police Station,
Ariyalur District
- 3.The Government Advocate,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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