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Crl.O.P.(MD)No.14402 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.(MD)No.14402 of 2022
and
Crl.M.P.(MD)Nos.9286 & 9287 of 2022

V.Senthilbalaji

...Petitioners

vs.

1.The State rep by
Inspector of Police,
Thanthonimalai Police Station,
Karur
Crime No.92 of 2019

2.Chinnadurai,
Sub-Inspector of Police,
Thanthonimalai Police Station,
Karur.

...Respondents

PRAYER:

Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to call for the records pertaining to the chargesheet in C.C.No.98 of 2020 pending on the file of the learned Judicial Magistrate No.I, Karur and quash the same as against the petitioner.

For Petitioners : Mr.Isac Mohanlal, Senior counsel,
for Mr.Baranikumar.N



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For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor, for R1

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ORDER

This criminal original petition has been filed to quash the proceedings in CC.No. 98 of 2020 pending on the file of the learned Judicial Magistrate No.I, Karur

2. Heard Mr.Isac Mohanlal, learned Senior counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record.

3. The case of the prosecution is that on 25.03.2019, at about 12.00 pm, the petitioner and others entered into the Collector's Office in their vehicles along with the Karur Constituency Parliamentary candidate. At that point of time, only three cars were allowed to accompany the candidate and inspite of the same, the fourth vehicle was brought and when the same was questioned by the second respondent, the petitioner was alleged to have threatened him and forcibly entered into the office. Based on the complaint given by the second respondent, FIR was registered in Crime No.92 of 2018. The investigation was conducted and the final report was also filed before the Court below and it was taken on file in C.C.No.98 of 2020. The Court below has taken cognizance for



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the offence under Section 353 and 506(1) of IPC, Section 4AA(1a) and 4AA(4) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 and Section 130 of Representation of People Act, 1951.

4. Taking into consideration the facts and circumstances of the case and also the fact that the entire incident had taken place during the election time and had happened at a spur of moment, the case can be brought within the scope of Section 95 of IPC and hence, no useful purpose will be served by making the accused persons undergo the trial.

5. In view of the above, this criminal original petition is allowed and accordingly, the proceedings in CC.No. 98 of 2020 pending on the file of the learned Judicial Magistrate No.I, Karur, is hereby quashed. Consequently, the connected miscellaneous petitions are also closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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N. ANAND VENKATESH, J.

nsa

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