



CrI.O.P.No.21847 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.21847 of 2022

and

CrI.M.P.No.14242 of 2022

Chenniyappan @ Senniappan

...Petitioners

vs.

1.State rep by
The Inspector of Police,
Nambiyur Police Station,
Nambiyur Post & Taluk
Erode Distriect
Crime No.40 of 2021

2.Karuppana Gounder

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to charge sheet in STC.No.639 of 2022 on the file of the Judicial Magistrate No.II, Gobichettipalayam, Erode District and quash the same.



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For Petitioners : Mr.D.Veerasekharan

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor, for R1
Mr.L.P.Shanmugasundaram, for R2

ORDER

This criminal original petition has been filed seeking to quash the proceedings in STC.No.639 of 2022 on the file of the Judicial Magistrate No.II, Gobichettipalayam, Erode District.

2. The case of the prosecution is that during the election campaign that took place on 17.11.2021, the petitioner is said to have made certain serious allegations against the Education Minister and had damaged his reputation and thereby committed offence under Section 153 and 504 of IPC. Based on this complaint, FIR came to be registered by the first respondent. This ultimately culminated before the Court below by way of a final report, which was taken cognizance in STC.No.639 of 2022.

3. Heard the learned counsel for the petitioner and the respondent and also perused the materials available on record.



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4. Even if the allegations made in the final report are taken as it is, at the best it can be held that certain defamatory statements have been made against the Former Education Minister and hence, there are absolutely no materials to sustain the offences against the petitioner. Hence, the continuation of proceedings against the petitioner will only lead to abuse of process of Court, which requires interference of this Court exercising its jurisdiction under Section 482 of CrPC.

5. In the result, the proceedings in STC.No.639 of 2022 on the file of the Judicial Magistrate No.II, Gobichettipalayam, Erode District is quashed. Accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petition is also closed.

09.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa
To

The Judicial Magistrate No.II, Gobichettipalayam, Erode District



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N. ANAND VENKATESH, J.

nsa

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