



WEB COPY



Crl.O.P(MD).No.4476 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.4476 of 2020

and

Crl.M.P.(MD)No.2524 of 2020

Prabu @ Prabakaran

...Petitioner

Vs

The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(Crime No.856 of 2015)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining charge sheet in C.C.No.229 of 2016 pending before the learned Judicial Magistrate Court, Palani and to quash the same as illegal.

For Petitioner

: Mr.S.Prabha

For Respondent

: Mr.M.Sakthi Kumar

Government Advocate (Crl. Side)

ORDER

This petition is filed to quash the charge sheet in C.C.No.229 of 2016 pending on the file the learned Judicial Magistrate, Palani.



2. On the side of the petitioner, it is stated that the FIR was registered against eight persons including the petitioner. The alleged date of occurrence was 20.09.2015. One year after the registration of FIR, the respondent police filed a chargesheet wherein the name of the petitioner was included. As a mistaken identity, the respondent police impleaded the name of the petitioner in the chargesheet.

3. On the side of the petitioner, it is further stated that the petitioner was attending an examination on that date and that he was not available in the place of occurrence or at the time of occurrence. The copy of the hall ticket with the photograph of the petitioner was filed on the side of the petitioner and the gmail status regarding the examination was also filed.

4. On the side of the prosecution, it is stated that on 20.09.2015, at about 11.00 a.m., the petitioner and seven others conducted a procession during Vinayagar Chathurthi. A case under Sections 336, 353, 279, 283, 290, 291 of IPC, Section 192(A) of M.V. Act r/w. 177 of M.V. Act, Section 21(10) of M.V. Rules and Section 3(A) of Town Nuisance Act was registered against the petitioner and others.

5. A perusal of the records reveals that on 20.09.2015 at about 08.30



Crl.O.P(MD).No.4476 of 2020

a.m., the petitioner was attending the bank exam. The date and time of occurrence is 20.09.2015 at about 11.00 a.m. There is no possibility for the petitioner to participate in the agitation on 20.09.2015, at about 10.00 a.m. In the above circumstances, it is decided that the case against the petitioner is to be quashed.

6. Accordingly, this Criminal Original Petition is allowed and the charge sheet in C.C.No.229 of 2016 pending on the file the learned Judicial Magistrate, Palani is hereby quashed. No Costs. Consequently, connected miscellaneous petition is closed.

13.03.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn

To

- 1.The Judicial Magistrate, Palani.
- 2.The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R. THARANI,J.

Mrn

CrI.O.P(MD).No.4476 of 2020

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