



Crl.O.P(MD).No.3529 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.3529 of 2019 and
Crl.M.P(MD).No.2012 of 2019

1.Kalaiselvan
2.V.Peraman

...Petitioners

Vs

State rep. by
1.The Inspector of Police,
Karamabakkudi Police Station,
Pudukkottai District.
(Crime No.16 of 2018)

2. Matheshwaran (died)
(amended as per order order of the Court,
dated 02.02.2023 in Crl.O.P(MD).No.3529 of 2019)
Respondents

...

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to FIR in Crime No.19 of 2018 pending on the file of the Inspector of Police, Karamabakkudi Police Station, Pudukkottai and quash the same.



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For Petitioners : Mr. N. Sankar Ganesh
For Respondent No.1 : Mr. M.Sakthi Kumar
Government Advocate (Crl. Side)
Respondent No.2 : died

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to FIR in Crime No.19 of 2018 pending on the file of the Inspector of Police, Karamabakudi Police Station, Pudukkottai and quash the same.

2. According to the petitioners, based on the complaint given by the second respondent, first respondent has registered a case in Crime No.19 of 2018 for the offences under Sections 147, 148 IPC r/w. Section 3(1) of TNPPDL Act, 1992.

3. The case of the prosecution is that the second respondent preferred a complaint before the first respondent alleging that the petitioners 1 and 2 along with some other villagers who staged the road roko has attacked the window panel and front and rear side mirror of the bus on 16.01.2018 when he drove the bus on the way to Trichy near



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Oorani Puram bus stop and thereby, caused damages worth about Rs. 20,000/-. Hence, the second respondent has given a complaint and first respondent had registered a First Information Report in Crime No.19 of 2018 for the offence under Sections 147, 148, IPC r/w. Section 3(1) of TNPPDL Act, 1992. In fact, the first respondent police in order to curtail the petitioners from prosecuting one Muthu and six others in Crime No.18 of 2018, for the offences under Sections 147, 294(b), 323, 363, 342 IPC r/w. 3(1)(r), 3(1)(s) and 3(2) V(a) of the SC / ST (PA) Amendment Act, 2015 lodged the complaint. Already two FIRs were filed in Crime Nos.16 and 17 of 2018 against these petitioners and again the present complaint has been lodged. In order to curtail them from prosecuting the case in Crime No. 18 of 2018 under the instructions of the first respondent police, FIR has been registered against the petitioners and 140 others for the offence under Sections 143, 188, 341 IPC on the pretext that they tried to conduct protest on main road. The Thiruvonam Police filed charge sheet in STC.No.159 of 2018 pending on the file of the District Munsif Cum Judicial Magistrate, Orathanadu for the offence under Sections 143, 341 IPC as against the petitioners and some others totally 16 persons, for which, the petitioners are moving separate quash petition. Therefore, the



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FIR registered against these petitioners are liable to be quashed.

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4. No counter was filed by the respondents.

5. The learned counsel appearing for the petitioners would contend that based on the complaint given by the 2nd respondent, first respondent registered FIR in Crime No.19 of 2018 for the offences under Sections 147, 148 IPC r/w. Section 3(1) of TNPPDL Act, 1992. In fact, there is no offence is committed by the petitioners. These petitioners had already given a complaint against one Muthu and six others in Crime No.18 of 2018. In order to curtail, the petitioners from prosecuting the Crime No.18 of 2018, the present case has been registered along with others. Already, the others have filed separate petitions for quash the FIRs. Hence, the present FIR is liable to be quashed.

6. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that based on the complaint given by the second respondent a case has been registered in Crime No.19 of 2018 for the offences under Sections 147, 148 IPC r/w. Section 3(1) of TNPPDL



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Act, 1992. Already, investigation in the said case was completed and the charge sheet was filed and the same is yet to be taken on file. Since in this case, prima facie materials are there as against the petitioners and that the final report has already been filed, this petition is liable to be dismissed.

7. This Court has heard the learned counsel appearing on either side and perused the records.

8. On a perusal of the FIR, it is seen that based on the complaint given by the second respondent, first respondent had registered an FIR in Crime No.19 of 2018 for the offence under Sections 147, 148 IPC r/w. Section 3(1) of TNPPDL Act, 1992. According to the petitioners, in order to curtail the petitioners from prosecuting one Muthu and six others in Crime No.18 of 2018 the present case been registered against the petitioners. Apart from the said FIR, another case has also registered against these petitioners. As per the learned Government Advocate (Crl. Side) already investigation in this case has been completed and the final report was filed. As per the investigation, there are prima facie materials



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as against the petitioners, thereby, the trial Court is going to take cognizance.

9. Since there are prima facie materials available as against the petitioners, at this stage it is not proper to quash the proceedings. The grounds raised by the petitioners are all matter for trial and hence, the petitioners have to raise the grounds before the trial Court which are raised in this petition.

10. In the result, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

27.09.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
trp



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To
1.The Inspector of Police,
Karamabakkudi Police Station,
Pudukkottai District.

2. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai



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P. DHANABAL,J.

trp

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