



CrI.O.P.(MD) No.13581 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.13581 of 2023

and

CrI.M.P.(MD) Nos.10609 and 10611 of 2023

1.Pandi

2.Meenakshi Sundaram

3.Thirumaran

4.Senthil

5.Sivaraman

... Petitioners

Vs.

1.The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
Crime No.74 of 2020

2.Karuppaih

..Respondents



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PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating with the impugned charge sheet in STC.No.84 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Ilayangudi, Sivagangai District and quash the same as against the petitioners.

For Petitioners : Mr.S.Saravana Kumar

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This petition is filed seeking for quashment of the charge sheet in STC.No. 84 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Ilayangudi, Sivagangai District.

2.It is submitted by the learned counsel for the petitioners that on account of the disputes between the petitioners and the defacto complainant, a false case has been foisted and there are no specific allegations against the petitioners in the complaint and the statements recorded under Section 161 Cr.P.C., of the defacto complainant and that the accused No.1 is working in the Police Department at Chennai.



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3.The learned Additional Public Prosecutor on the other hand submits that the charge sheet shows that the petitioners have committed the offence punishable under Sections 147, 294(b), 323 and 506(i) IPC.

4. The Hon'ble Supreme Court has laid down the guidelines for exercising of inherent power under Section 482 of the Cr.P.C. for quashing the criminal proceeding in the case of *State of Haryana v. Bhajanlal* reported in *1992 SCC (Cri) 426*, which reads as follows:-

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report



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or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of



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(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

5.The question as to whether there are contradiction between the statements of L.W1 and the other witnesses and other grounds raised by the learned counsel for the petitioner cannot be decided in a petition filed under Section 482 Cr.P.C. seeking quashment of the charge sheet as all the issues raised are questions of fact and not on any technical grounds. It is the contention of the petitioners that the allegation levelled against the petitioners are false. The truth or otherwise of the statements of witnesses will be decided after full-fledged trial and it is for the trial Court to consider the submissions of the petitioner and appreciate it. Therefore, the request of the petitioner seeking quashment of the charge sheet on these grounds cannot be considered in this petition under Section 482 of Cr.P.C.



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6. In view of the same, this Petition is disposed of directing the trial Court to expedite and dispose of S.T.C.No.84 of 2022 as quickly as possible, not later than 8 months from the date of receipt of a copy of this order. The trial Court is further directed not to insist the presence of the petitioner No.1 who is stated to be working in the Police Department at Chennai and may direct the accused No.1 to appear before the Court for answering the charges and 313 examinations. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To

- 1.The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DR.D.NAGARJUN. J.

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