



Crl.O.P.(MD)No.18300 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.18300 of 2023
and Crl.M.P(MD)Nos.14482 and 14483 of 2023

1. Siva

2. Thirunavukkarasu

3. Munvar Basha

... Petitioners

Vs

1. The Inspector of Police,
Aravayal Police Station, Devakottai,
Sivagangai District. Crime No. 10/2020.

2. Soosai Miochaelraj

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in C.C No. 50 of 2021 on the file of the learned Judicial Magistrate, Devakottai and quash the same as against the petitioners.

For petitioners : Mr.AK.Azhagarsami

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)



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CrI.O.P.(MD)No.18300 of 2023

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.50 of 2021 on the file of the learned Judicial Magistrate, Devakottai.

2.The learned counsel for the petitioners submitted that on the basis of complaint given by the defacto complainant, who is working as Sub Inspector of Police, a case in Cr.No.10 of 2020 has been registered against the petitioners under Sections 147, 148, 294(b), 353, 506(2) IPC and after completing the investigation, final report was filed in C.C.No.50 of 2021 on the file of Judicial Magistrate, Devakottai. Due to previous motive between the defacto complainant and the petitioners a false case has been foisted against them, the owner of the alleged shop has not preferred any complaint and not even cited as a witness. Hence, prays to allow the petition.

3.On perusal of final report, statement of witnesses shows that *prima facie* materials were collected during the course of investigation to implicate them in the offence. The contention of the petitioners is that it is a false case, cannot be taken into account at this



stage. It is a matter for trial.

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4. Reading of the complaint shows that after receipt of information on 16.01.2020 that one Palani attempted to damage shop belongs to one Periyasami, the defacto complainant went along with the Police team to the spot. He found several persons were standing there, who were identified as accused later. On seeing the police party, the accused persons alleged to have abused them with filthy language. When the occurrence was about to be photographed, the defacto complainant was prevented from doing so. Apart from that also they tried to cause assault.

5. Reading of the FIR shows the manner in which the above said occurrence said to have been taken place. When there are serious and specific allegations made against the petitioners, I am of the considered view that no valid ground is made out by the petitioners to quash the proceedings against them.

6. In view of the above, this Court is not inclined to allow this petition. The petitioners are at liberty to raise all the grounds before the trial Court. Considering the age of the second petitioner, the personal



Crl.O.P.(MD)No.18300 of 2023

appearance of the second petitioner alone is dispensed with and he shall be represented by a counsel after filing appropriate application.

However, the second petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing Judgment.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

12.10.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
PNM

To

1. The Judicial Magistrate, Devakottai.
2. The Inspector of Police,
Aravayal Police Station, Devakottai,
Sivagangai District. Crime No. 10/2020.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.18300 of 2023

G.ILANGOVAN. J.

PNM

ORDER IN
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