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Crl O.P.(MD) No.1683 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P (MD) No.1683 of 2024
and Crl. M.P. (MD) Nos.1208 and 1209 of 2024

R.S. Rajakannappan S/o. Samiyapillai

..... Petitioner

VS.

1. State represented by
The Sub Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.223 of 2021)

2. Arockiya Raj,
Textile Control Officer, SST C3,
Mudhukulathur Assembly,
Ramanathapuram District.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,to
call for the records pertaining to the proceedings of S.T.C. No.2277 of
2022 on the file of Judicial Magistrate No.I, Ramanathapuram and quash
the same as against the petitioner.

For Petitioner
For Respondent

: Mr. S. Ramasamy
: Mr. K.M.D. Muhilan
Government Advocate (Crl. Side).



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings pending in S.T.C. No.2277 of 2022 on the file of Judicial Magistrate No.I, Ramanathapuram and quash the same as against the petitioner.

2. The case of the prosecution is that on 04.04.2021, the flying squad made a vehicle check up along with the police party and A1 was found to be in possession of Rs.19,000/- and he was not able to give explanation as to why he was in possession of the amount. Therefore it was concluded that the said money will be utilized for distributing the same to the voters. Based on the complaint given by the 2nd respondent, FIR was registered in Cr. No.223 of 2021 for the offences under Sections 373 and 171(E) of IPC. On completion of investigation, the final report has been filed before the Court below and the same has been taken on the file of learned Judicial Magistrate No.I, Ramanathapuram in S.T.C. No.2277 of 2022.

3. Heard Mr. S. Ramasamy, learned counsel appearing for the



petitioner and Mr. K.M.D. Muhilan, Government Advocate (Criminal Side) appearing for the respondent.

4. The main ground urged by the learned counsel appearing for the petitioner is that the petitioner was not even present at the time of the alleged occurrence and that he has been falsely implicated in this case. In view of the same, it was contended that the offence under Section 353 of IPC cannot be attributed against the petitioner. That apart, there is no material to show that the petitioner had also involved in committing offence under Section 171(E) of IPC since the petitioner was not present at the scene of occurrence.

5. Taking into consideration the materials that are placed before this Court, it is seen that A1 was in possession of a sum of Rs.19,000/- and he was not able to give proper explanation for the possession of the money. Since it was election time, the respondent police came to a conclusion that the money was attempted to be paid to the voters. The fact remains that the petitioner was not even in the scene of occurrence. No prima facie offence has been made against the petitioner. Hence no



useful purpose will be served in continuing the proceedings against the petitioner.

6. In the light of the above discussions, proceedings in S.T.C. No.2277 of 2022 on the file of Judicial Magistrate No.I, Ramanathapuram is quashed. This Criminal Original Petition stands allowed and connected miscellaneous petitions are closed.

23.02.2024

Index : Yes / No

Internet : Yes / No

mjs

To

1. The Judicial Magistrate No.I, Ramanathapuram.

2. The Sub Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District..

3. Arockiya Raj,
Textile Control Officer, SST C3,
Mudhukulathur Assembly,
Ramanathapuram District.

4. The Public Prosecutor, High Court of Madras, Madras-104.



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N.ANAND VENKATESH, J.,

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