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Crl.O.P.No.6756 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.6756 of 2022
and
Crl.M.P.Nos.3836 & 3837 of 2022

R.Devendhiran

... Petitioner

Versus

1. The State of Tamil Nadu,
The Inspector of Police,
Ramanatham Police Station,
Tittagudi Tk, Cuddalore Dt.
(Crime No.540 of 2011)

2. S.Senthill

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned split up charge sheet registered in P.R.C.No.6 of 2014, pending on the file of the learned District Munsif cum Judicial Magistrate at Tittagudi in so far as against the petitioner/A2 is concerned.



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For Petitioner : Mr.R.Veeramani
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the impugned split up charge sheet in P.R.C. No. 6 of 2014 on the file of learned District Munsif cum Judicial Magistrate, Tittagudi.

2. Heard both sides.

3. The petitioner is ranked as A2 in the F.I.R. in Crime No.540 of 2011 registered for the offence under Sec.147, 148, 294(b), 341, 323, 324, 354, 427 of I.P.C. r/w Sec.3(1)(x)(xi) of SC/ST Act r/w Sec.149 of I.P.C. Subsequently, the charge sheet has been filed and the same was taken on file in P.R.C.No.6 of 2012 on the file of District Munsif cum Judicial Magistrate, Tittagudi and the same is pending. However, the case



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was split up and the case was committed to learned Principal District and Sessions Judge at Cuddalore in S.C.No.264 of 2014, in which the A1, A4, A5 and A6 were subjected to trial. Now, the petitioner had filed this petition praying to quash the said charge sheet.

4. The learned counsel for petitioner would submit that he was not present in the alleged scene of occurrence and he has been falsely implicated in this case by the 1st respondent police as per the complaint given by the 2nd respondent/defacto complainant. He would also submit that except this petitioner/A2 and another accused A3, the case was split up in respect of A1, A4, A5 and A6 in S.C.No.264 of 2014, the trial was conducted and finally, the learned Principal District and Sessions Judge acquitted them as the prosecution not proved the case beyond reasonable doubt. Hence, this petitioner is also entitled for acquittal and the proceedings initiated against him is liable to be quashed. Accordingly, he prayed to quash the charge sheet initiated against him.



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5. On seeing entire facts, it reveals that the specific allegation against this petitioner is that he has actually participated in the alleged overtact. However, during the trial, as per submissions of prosecution, Doctor was also examined and with regard to injury and assault, the prosecution turned hostile and so that, all the accused were acquitted. Furthermore, with regard to the other charges, witnesses P.W.8 and 9, who belong to S.C. community were examined, but there is no evidence on the side of prosecution to prove that this petitioner abused him with obscene words as well as humiliated the victim with a view to insult him in a public place by mentioning his caste name. So, there is no incriminating materials on the side of prosecution against this petitioner and the charges levelled against him was not proved in respect of Special Act. Moreover, the trial court acquitted other accused. Hence, the petitioner is also one of accused and the same charge levelled against him. Therefore, on considering the fact that there is no incriminating evidence as well as material evidence on the side of prosecution for the alleged offence said to be committed by this petitioner. So, he is also entitled for



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acquittal, thereby the impugned charge sheet in P.R.C.No.6 of 2012 is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner in the impugned split up charge sheet in P.R.C.No.6 of 2012 on the file of District Munsif cum Judicial Magistrate, Tittagudi is quashed. Consequently, connected Criminal Miscellaneous Petitions are closed.

05.02.2024

Index: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police,
Ramanatham Police Station,
Tittagudi Tk, Cuddalore Dt.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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