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Crl.O.P.(MD)No.2887 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.(MD) No.2887 of 2024

and

Crl.MP(MD)Nos.2260 & 2261 of 2024

... Petitioners

1. Marappan
2. M.R.Vijayabhaskar
3. Sekar
4. Balamurugan
- 5.Senthil
- 6.Saravanan
7. Kaliyappan
- 8.Neduncheliyan
- 9.Muthukumar@Dhanesh
- 10.Madhusoothanan
- 11.N.S.Krishnan
- 12.Nishanth

Vs

1. The State through
The Inspector of Police,
Karur Town Police Station,
Karur.
2. R.Sathasivam
Special Tahsildhar,
Arasu Cable TV Corporation Limited,
Election Flying Squad No.II,
Karur.

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the charge sheet in C.C.No.322 of 2023 pending on the file of the learned Judicial magistrate No.I, Karur and quash the same as against the petitioners.

For Petitioners : Mr.V.Ramamurthi
for Mr.Raghu. D

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to call for the records relating to the charge sheet in C.C.No.322 of 2023 pending on the file of the learned Judicial magistrate No.I, Karur and quash the same as against the petitioners.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the official respondents and perused the materials available on record.

3. Learned counsel for the petitioners submitted that due to political vengeance, the defacto complainant registered a false case as against the petitioners before the respondent police for the offence under



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Sections 147, 294(b), 342, 353, 506(i) of IPC. The essential ingredient of the offence under Section 294(b) and 147 of IPC would not attract. The defacto complainant himself stated that on the date of occurrence, the petitioners prevented the video-grapher from taking video, whereas, the defacto complainant has not produced the said videograph. There is no material available to show that the petitioners have committed the alleged offence.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the defacto complainant has clearly spoken about the incident and further statement under Section 161 Cr.P.C., has also been recorded from the witnesses. There are prima facie materials available as against the petitioners to proceed with the case further.

5. Admittedly based on the complaint made by the defacto complainant, the respondent police registered a case and investigated the matter and laid a charge sheet. Whether prima facie materials are available as against the petitioners and the grounds taken by the learned counsel for the petitioners are matter for trial. At this stage, this Court



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cannot say anything about the veracity of the complaint and the statement of the witnesses. The witnesses are subjected to substantiate the case before the trial court. The grounds raised by the petitioner are matter for trial and the same cannot be decided at this stage.

6. In view of the same, the Criminal Original Petition is dismissed Consequently, connected miscellaneous petitions are closed. However, the petitioners are at liberty to take all their defence before the trial court.

7. Personal appearance of the petitioners are dispensed with before the trial court. However, the petitioners have to appear before the trial court as and when their presence is required before the trial court.

29.11.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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