



Crl.O.P.No.9907 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9907 of 2022
and
Crl.M.P.Nos.5830 & 5832 of 2022

Palanisamy

... Petitioner

Vs.

1.The Sub- Inspector of Police
Virudhachalam Police Station,
Virudhachalam Taluk,
Cuddalore District.

2.Sundar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in PRC.No.37 of 2017 on the file of the Judicial Magistrate-I, Virudhachalam and direct to delete petitioner's name Pazhani @ Pazhanisamy arrayed as A1 and quash the same.

For Petitioner : Mr.G.Kadhiresan

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



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ORDER

WEB COPY The petitioner has filed this petition to quash the PRC.No.37 of 2017 pending on the file of the Judicial Magistrate-I, Virudhachalam.

2. The case of the prosecution is that on 14.04.2014, two groups that is one Sundar / defacto complainant vagaiyara who belonged to Nachiyarpet area and Prakash vagaiyara who belonged Periyakandiyankuppam village unlawfully assembled and fought among themselves throwing stone, blue metal and wooden log and thereby committed offences under Section 147, 148, 294(b), 323, 324, 506(ii), 307 of IPC. FIR also registered on both sides by the respondent police as Crime No.166 of 2014 registered against the defacto complainant / Sundar and impugned FIR in Crime No.167 of 2014 dated 14.04.2014 registered against Prakash Vagaiyara.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged occurrence, by wrong identification the respondent police implicated the petitioner as accused /A1 in Crime No.167 of 2014. In fact one Palanisamy S/o.Selvaraj into Pazhani @ Palanisamy instead Palani @ Palanivel



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S/o.Chinnadurai is the original accused. To support his contention he relied the medical records – AR copy, wherein the respondent police clearly stated that one Palanivel S/o.Selladurai, who is aged about 40 years, when he was admitted in the hospital, in which it also has stated to be assaulted by the defacto complainant and others. Furthermore, the age of the present petitioner is 32 years. On a perusal of the AR copy of the said Palanivel he was aged about 40 years, on wrong identification only the petitioner was implicated as A1. Hence, he prays to quash the proceedings against the petitioner.

4. The learned counsel Government Advocate (Crl.Side) submitted that on verification there was some mistake in identifying A1. He also not raised any objection to delete the name of the petitioner in PRC.No.37 of 2017 on the file of the Judicial Magistrate-I, Virudhachalam.

5. Considering the facts and circumstances and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to quash the proceedings pending in PRC.No.37 of 2017

T.V.THAMILSELVI, J.



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on the file of the Judicial Magistrate-I, Virudhachalam.- Liberty is granted to the respondent police to identify the proper accused person in this case.

6. Accordingly, this Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

07.02.2024

Index: Yes/ No
Neutral Citation: Yes/No
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To

- 1.The Sub- Inspector of Police
Virudhachalam Police Station,
Virudhachalam Taluk, Cuddalore District.
Crime No.363 of 2016
- 2.The Public Prosecutor, High Court of Madras.

CrI.O.P.No.9907 of 2022
and
CrI.M.P.Nos.5830 & 5832 of 2022