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Crl.O.P.No.16595 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.16595 of 2022
and Crl.M.P.No.9680 of 2022

Gunasekar

... Petitioner

Vs.

1.The Sub- Inspector of Police,
Attur Rural Police Station,
Salem District.
Thiruvallur.
(Crime No.210 of 2020)

2.Manivanan

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to quash the charge sheet in Crime No.210 of 2020 and taken cognizance as C.C.No.192 of 2021 on the file of the Judicial Magistrate No.I, Attur.

For Petitioner	: Mr.S.Muthukrishnan
For R1	: Mr.S.Vinoth Kumar
	Govt. Advocate (Crl.Side)
For R2	: Service awaited

ORDER

The petitioner has filed this petition to quash the charge sheet in Crime No.210 of 2020 and taken cognizance as C.C.No.192 of 2021 on the



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file of the Judicial Magistrate No.I, Attur, having been taken cognizance for the offences punishable under Sections 294(b), 353, 506(2) of IPC.

2. The case of the prosecution is that the defacto complainant, who is a Secretary in the Chelliyampalayam Primary Agricultural Co-operative Credit Society, stating that on 12.05.2020 at about 10.15.a.m., when he was in official duty, the accused demanded loan for his brother's wife Sasikala by threat. The defacto complainant told the petitioner that the loan is already granted to the petitioner and Sasikala upto sanction limit. In spite of that, the petitioner used filthy language against the 2nd respondent and threatened him with dire consequences and also threatened the employee Srinivasan, who is working in the loan Section.

3. The learned counsel for the petitioner submitted that the petitioner is having agricultural land in his village. The petitioner is also former Panchayat Ward Councilor and doing Social service to his village people. He further submitted that the petitioner gave information regarding the illegal sale of Arrack in his village by one Tamilalagan, who is brother of 2nd respondent. The police helped Tamilalagan without taking proper



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action against the Tamilalagan. So the petitioner sent a petition to the higher officials in Police Department. Therefore, Tamilalagan and the defacto complainant with the support of 1s respondent damaged the house of the petitioner on 27.04.2020. So the wife of Gunasekar lodged a complaint before the 1st respondent police and the case was registered in Crime No.184 of 2020 against the culprits. In the circumstance, on 15.05.2020 at about 5.00 a.m., in the house of the petitioner the 1st respondent police arrested and remanded to judicial custody, based on the false complain lodged by the defacto complainant in Crime No.210 of 2020. He further submitted that to revenge upon the petitioner, two more cases were filed against him in Crime No.218 of 2020 and Crime No.221 of 2020. Hence, he prays to quash C.C.No.192 of 2021, filed against the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that the petitioner is one of the members in the society, at the time of demanding crop loan there was a wordy quarrel among the petitioner and the defacto complainant, thereby, he gave false complaint. Based on the complaint lodged by the defacto complainant, FIR was registered in Crime No.210 of 2020, for the offences under sections



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294(b), 353, 506(ii) of IPC.

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5. Considering the facts and circumstances, there is no material evidence on the side of the prosecution and there is no basic ingredient to attract the provisions under Sections 294(b), 353, 506(2) of IPC and there is no individual witnesses to see that the petitioner abused the defacto complainant with filthy language, hence this Court is inclined to quash the proceeding against the C.C.No.192 of 2021 on the file of the Judicial Magistrate No.I, Attur.

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

7. However, the petitioner is directed not to cause any inconvenience to the Society members.

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Index: Yes/ No
Neutral Citation: Yes/No
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WEB COPY **To**

- 1.The Sub- Inspector of Police,
Attur Rural Police Station,
Salem District.
Thiruvallur.
(Crime No.210 of 2020)
- 2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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