



Crl.OP.No.16097 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.16097 of 2024

and

Crl.MP.Nos.9817 and 9818 of 2024

Kondamuri Kusuma Nagendra Prasad

... Petitioner

Vs.

1. State rep by

The Station House Officer,
Yanam Police Station, Yanam.
(Cr.No.11 of 2022)

2. S.Jeyachandran

Deputy Tahsildar-Cum-Inspector
of Legal Metrology, Yanam.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, New 528 of BNSS, to call for the records relating to the charge sheet in STC.No.55 of 2024 dated 20.03.2024 on the file of the Judicial Magistrate Court, Yanam, quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.E.Duraivaiyapuri

For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor
assisted by Mr.A.Alexander
Government Advocate



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ORDER

WEB COPY This Criminal Original Petition is filed to quash STC.No.55 of 2024 on the file of Judicial Magistrate Court, Yanam.

2. The learned counsel appearing for the petitioner submits that the petitioner is a whistle blower, used to raise voice against corruption among the public servants. While so, on 28.01.2022, he went to the Deputy Tahsildar Officer for certain work. At that time, there was wordy quarrel between the Deputy Tahsildar by name S.Jeya Chandran and one Nalla Venkanna, who is the President of Merchants' Association, Yanam. He entered into the room and tried to pacify them and brought peace. However, a complaint been given against him along with Nalla Venkanna and another. As if he has abused the Deputy Tahsildar in filthy language contending that the averments in the final report and the statement of witness. Even if it is accepted as gospel truth. No offence under Section 294(b). 341, 353, 506 IPC r/w 34 IPC will get attracted.

3. The learned Additional Public Prosecutor submits that the petitioner herein along with two others had breached into the office of Chamber of Deputy Tahsildar and started quarrelling with him for taking



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action against Nalla Venkanna for selling Kinley Soda over and above the MRP rate. They threaten the Deputy Tahsildar that he can't live in Yanam, if he insists on taking action against the merchants of Yanam. This has been witnessed by the other officials in the office and based on the statements recorded, a case has been registered and proceeded.

4. This Court on perusing the Statement of witnesses registered under Section 161 of Cr.P.C find that the presence of the accused along with two other in the chamber of Deputy Tahsildar been spoken by them and also the abuse of the Officer in filthy language by this petitioner and others.

5. It is matter for trial to decide whether the statements of the witnesses has found in statement recorded under Section 161 of Cr.P.C is proved or not. The proof of those statements shall be decided only after the trial. The factual aspects cannot be looked into the quash petition. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Vv

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To



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2. S.Jeyachandran
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Dr.G.JAYACHANDRAN,J.



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