



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM:

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

CRL.OP No. 21389 of 2022
& Crl. MP. No. 13921 and 13922 of 2022

- 1 KRISHNAMOORTHY
S/O.DURAISAMY AIADMK CANDIDATE OF 64TH WARD
FOR COUNCILOR ELECTION NO.8 PLOT 30
LAKSHMANAN NAGAR WEST MAIN ROAD PERAVALLUR
CHENNAI - 600 082.
- 2 LENIN
S/O.KESAVAN NO.34 BHAGAVATHIYAMMAL STREET
KOLATHUR CHENNAI - 600 099.

[PETITIONER]

Vs

- 1 THE STATE REP BY ITS
THE INSPECTOR OF POLICE V-6 KOLATHUR
POLICE STATION CHENNAI CR.NO.98 OF 2022.
- 2 VASUDEVAN

[RESPONDENT]



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PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records relating the C.C.No.5722 of 2022 in Cr.No.98 of 2022 on the file of the XIIIth Metropolitan Magistrate Egmore Chennai pending Trial and quash the same.

For Petitioner : Ms.L.Srileka

For R1 : Mr.S.Vinoth Kumar, Government
Advocate Criminal side

For R2 : Not Appeared.

ORDER

The petitioners herein filed this petition to call for the records relating the C.C.No.5722 of 2022 in Cr.No.98 of 2022 on the file of the XIIIth Metropolitan Magistrate Egmore Chennai pending Trial and quash the same.

2. Based on the complainant given by the second respondent, the respondent police filed a FIR in Crime No. 98 of 2022 against the petitioner, after investigation final report was filed in C.C No. 5722 of 2022 under section 294(b), 506(i) of IPC before the Metropolitan Magistrate - XIII, Egmore. Challenging the same the petitioner filed this petition to quash the C.C No. 5722 of 2022.



3. The case of the prosecution is that there was quarrel erupted between the accused persons and the defacto complainant during the local body election. Hence, the complaint.

4. On perusal of the records, the allegation against the petitioners is that, on the date of alleged occurrence there was canvassing for the counselor election during that time there was a wordy quarrel between the accused persons/petitioners and the defacto complainant but there is no evidence on the side of the prosecution to show that these petitioners were threatened the defacto complainant on the date of alleged occurrence and there is no specific overtact against the petitioners as per the final report for the alleged offence. Hence, C.C No. 5722 of 2022 is hereby quashed.

5. In the result, this petition is allowed. No costs. Consequentially, connected miscellaneous petition is closed.

14.02.2024

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To

The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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