



CrI.O.P.No.23226 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.23226 of 2024 and

CrI.M.P.No.13166 of 2024

1. Pradeep
2. Thamaraiselvam
3. Vinitha

... Petitioners

Vs.

1. The State rep. by the Inspector of Police
E-5, Pattinampakkam Police Station
Chennai District
Crime No.123 of 2023

2. Dr.Showry Babu Kona

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records and quash the charge sheet against the petitioner/accused in C.C.No.1102 of 2024 in Crime No.123 of 2023 on the file of the learned XXIII Metropolitan Magistrate Court at Saidapet, Chennai District till the disposal of the above case.



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For Petitioners : Mr.S.Nagarajan

For 1st Respondent : Mr.S.Sugendran
Additional Public Prosecutor

For 2nd Respondent : Private Notice returned
unserved (unclaimed)

ORDER

This Criminal Original Petition has been filed to quash the charge sheet against the petitioner/accused in C.C.No.1102 of 2024 in Crime No.123 of 2023 on the file of the learned XXIII Metropolitan Magistrate Court at Saidapet, Chennai District.

2. The learned counsel for the petitioner submitted that the defacto complainant only had dashed against the petitioners' car and created problem. In his regard, the petitioners also gave a complaint against the defacto complainant, but the respondent police failed to take action on the complaint given by the petitioners. However, they have taken the complaint of the defacto

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complainant on file and investigated the mater and also filed charge sheet

against the petitioners. He further submitted that there is no specific overt-act

against the petitioners. Further, there are discrepancies and contradictions

between the A.R. Copy and the FIR in respect of number of accused persons.

He further submitted that the 2nd petitioner is aged 70 years and he is not in a

position even to move and therefore, the presence and allegations against the

2nd petitioner is highly unbelievable. Further, the 3rd petitioner is a lady and a

false case has been foisted against the petitioners. Therefore, the case against

the petitioners has to be quashed.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that in this case, the defacto complainant had sustained injuries and admitted in hospital. On receipt of complaint from the defacto complainant, the respondent police conducted enquiry and thereafter, registered the case against the petitioners. Subsequently, the petitioners lodged a complaint against the defacto complainant in order to escape from the



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complaint registered against them and after enquiry, the said complaint was closed as mistake of fact and the petitioners also know about the same.

However, they have not mentioned anything about the same in the petition. He also submitted that after completion of investigation on the defacto complainant's complaint, charge sheet was also laid. He further submitted that the witnesses have spoken about the overt-act of the petitioners. Therefore, the petition has to be dismissed.

4. Heard and perused the materials available on record.

5. A perusal of records namely FIR, charge sheet and the statements recorded from the witnesses viz. L.W.1 and L.W.2 and also the copy of the A.R. show prima facie case. The grounds raised by the petitioners are matter for trial. Therefore, the petitioners are not entitled to the relief sought for.

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected Miscellaneous Petitions are closed.



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7. However, the petitioners are are liberty to take all their defence
during trial before the trial Court.

26.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

The Inspector of Police
E-5, Pattinampakkam Police Station
Chennai District



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P.VELMURUGAN. J.

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