



Crl.OP.No.683 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.683 of 2023

and

Crl.M.P.No.343 of 2023

1. T.S.Pasupathy

2. Ramesh

3. Tamilselvan

4. Viveganandhan

5. Thennarasu

... Petitioners

Vs.

1.State by

The Inspector of Police (L&O)

R5, Virugambakkam Police Station,

Virugambakkam, Chennai 600 92.

2. K.Selvam

... Respondents

R2 Impleaded as per order dated 03.02.2023 in

Crl MP No.1148 of 2023 in Crl OP No.683 of 2023

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the Charge Sheet in SC No.295 of 2023 pending before the learned XV Additional Sessions Judge, Chennai and quash the same against these petitioners/Accused 1 to 5.



Crl.OP.No.683 of 2023

For Petitioners : Mr.M.Abdul Razack

For Respondents : Mr.K.M.D.Muhilan

Government Advocate (Crl.side)

ORDER

The petitioners herein are the father and four sons. On complaint given by one Selvam on 24.10.2014, the petitioners came to his fruit shop and attacked him suspecting that he is the informer to the Police. They were carrying dangerous weapons and threatened the Defacto Complainant and other passersby. The public and the shop owners got panic and closed on their shops. Based on the said complaint, the Police has conducted investigation and filed the final report and the same is pending in SC No.295 of 2023 on the file of XV Additional Sessions Judge, Chennai.

2. The petition is filed to quash the said final report on the ground that it is a foisted case engineered at the instance of the political rivals of the petitioners. The compliant, FIR and the statements have been fabricated with anti-dated, FIR reached the Judicial Magistrate only on



Crl.OP.No.683 of 2023

05.11.2014, though the alleged incident had taken place on 24.10.2014.

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3. The learned counsel also vehemently argued that there is no person by name Selvam and he is invented person by the Police to generate complaint against these petitioners. The learned counsel also submitted that in the list of witnesses it should be seen that no local witness has been examined by the IO.

4. The learned Government Advocate (Crl. Side) submits that on the compliant given by Selvam thorough investigation was conducted and final report filed. The witnesses who are relied by the prosecution are the petty shop vendors in the market junction and they have spoken about the occurrence and also eye witnesses. It is incorrect to say that the Defacto Complainant Selvam is a non-existing person, in fact the respondent Police ready to marshal the witnesses in the time bound manner and complete the trial to establish the charges against these petitioners.

5. Considering the fact that the materials placed by the prosecution provides *prima facie* material for framing charges and proceed, the points raised by the learned counsel for the petitioners are the facts which has to



Crl.OP.No.683 of 2023

be tested during the trial. Hence the petition to quash stands dismissed.

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6. The respondent Police is directed to marshal the witnesses and to complete the examination of the witnesses within a period of four months from today. The Trial Judge shall first examine the Defacto Complainant to ensure the existence of the person by name Selvam, who has given the complaint against this petitioner.

7. With the above observation, the Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

06.08.2024

jv

Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police (L&O)
R5, Virugambakkam Police Station,
Virugambakkam, Chennai 600 92.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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Crl.OP.No.683 of 2023

Dr.G.JAYACHANDRAN, J.

jv

Crl.OP.No.683 of 2023

06.08.2024