



Crl.O.P.No.29188 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.29188 of 2024 and
Crl.M.P.No.16346 of 2024

Meenakshi @ Senthamarai

... Petitioner

Vs.

1.State Represented by
The Inspector of Police
Meensuruti Police Station
Ariyalur District
(Crime No.35 of 2019)

2.Vaithilingam

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the entire records connected with the case in C.C.No.124 of 2019 pending trial on the file of the learned Judicial Magistrate No.II, Jayamkondam and quash the same.



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

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the case pending against her in C.C.No.124 of 2019 on the file of the learned Judicial Magistrate No.II, Jayamkondam, for the offences under Sections 188, 504, 505(1)(b) & 117 of IPC.

2. The learned counsel for the petitioner submitted that except the fact that the petitioner is the sister of Gurunathan @ Kaduvetti Guru, no averments made in the complaint is true and due to political motive, a false case has been foisted against the petitioner as if, she spoke in a way of provoking the public and uploaded the video in the social media. Further, the petitioner is working as a Staff Nurse in the Government Hospital, Royapettah and therefore, without a written complaint from a public servant



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concerned or Superior Officer, the Court cannot take cognizance of the offence under Sections 172 to 188 IPC, whereas, in this case, the FIR has been registered based on the complaint given by the 2nd respondent herein who is an individual and not a public servant and therefore, taking cognizance on the same, is barred.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and also perused the materials available on record.

4. Since no adverse order is being passed, notice to the 2nd respondent is dispensed with.

5. The materials collected by the prosecution during the course of investigation reveals prima facie materials to file charge sheet against the petitioner. Therefore, the petitioner is not entitled to the relief sought for.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.



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7. However, the petitioner is at liberty to take all her defence during

trial before the trial Court.

21.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1.The Inspector of Police
Meensuruti Police Station
Ariyalur District

2.The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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