



Crl.O.P.(MD) No.2456 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2456 of 2023

and

Crl.O.P.(MD)No.2200 of 2023

1.R.Karthickraja

2.G.Tamilselvan

... Petitioners

Vs.

1.The State rep. by

The Inspector of Police

Kulithalai Police Station,

Karur District.

(In Crime No.684/2022). ... 1st Respondent / Complainant

2.K.Ravichandran ... 2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records relating to F.I.R in Crime No.684 of 2022 dated 28.12.2022 on the file of the first Respondent Police and quash the same.

For Petitioners : Mr.D.Srinivasaragavan

For R1 : Mr.M.Veeeranthiran
Government Advocate (Crl.side)

For R2 : Mr.S.C.Herold Singh



CrI.O.P.(MD) No.2456 of 2023

ORDER

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The learned Counsel for the Petitioners submits that this Criminal Original Petition has been filed to quash the F.I.R in Crime No. 684 of 2022 on the file of the first Respondent Police.

2. The learned Counsel for the Petitioners submits that the first Petitioner is the owner of the bus and the second Petitioner is the friend of the first Petitioner. As per the complaint given by the De-Facto Complainant, who is the Driver of TNSTC bus bearing Registration Number TN-45-N-3184, the bus belonging to the first Petitioner herein bearing Registration Number TN-48-AW-9500, driven by its driver caused damage on the Government bus and also threatened the bus crew of the TNSTC bus regarding collecting passengers from the bus stop and the dispute over the same route. Further, the learned Counsel for the Petitioners further submits that the bus owner / the first Petitioner herein, had already filed a Writ Petition in W.P.(MD)No.24102 of 2022 seeking a Writ of Mandamus against the officials of the State Transport Corporation regarding the route and the timing which overlaps with the route and timing of the bus belonging the first Petitioner.



CrI.O.P.(MD) No.2456 of 2023

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3. It is the further submission of the learned Counsel for the Petitioners that on the alleged date of occurrence, ie., on 27.12.2022, the Government bus bearing Registration No.TN-45-N-3184 did not have prior route permit. The driver had taken the bus on a route for which there was no permit. Only to wreck vengeance, he had filed this complaint. Also, the learned Counsel for the Petitioners relied on the report of the Motor Vehicle Inspector, which he had obtained under the RTI Act in which, it had been clearly stated that there was no prior permit for the bus bearing Registration Number TN-45-N-3184 on the said route, in which the dispute alleged to have taken place. Therefore, he seeks to quash the F.I.R in Crime No.684 of 2022 against the Petitioners herein as accused 2 and 3.

3. The learned Counsel for the De-Facto Complainant present in Court. He submitted that on the date of alleged occurrence, the Petitioners were in the bus stand waiting in their car and they prevented the Government bus from moving out. They also instigated the driver of the private bus belonging to the first Petitioner herein to use force against the Government bus. Therefore, he objected to the submission of the learned



Crl.O.P.(MD) No.2456 of 2023

Counsel for the Petitioners seeking to quash the charge sheet filed against the Petitioners herein.

4. The learned Government Advocate (Criminal Side), on instructions of the first Respondent, submits that F.I.R was registered on the complaint of the driver of the Government bus. As per the complaint, the Petitioners herein are alleged to have stopped the bus by blocking the bus forcibly evicted the passengers from the Government bus and thereafter, directed the passengers to board the bus belonging to the Petitioners. There are overt acts specifically against the Petitioners herein. The investigation had been completed, final report laid before the Court of the learned Judicial Magistrate No.II, Kulithalai and assigned number as C.C.No.151 of 2023.

5. Considering the submissions of the learned Counsel for the Petitioner, learned Counsel for the Defacto complainant and the learned Government Advocate (Criminal Side), this is not a fit case to quash the F.I.R.



Crl.O.P.(MD) No.2456 of 2023

6. Accordingly, this ***Criminal Original Petition*** is dismissed.

Consequently, connected Miscellaneous Petition is closed.

Internet: Yes./No
Index: Yes/No
LS

14.02.2024

To

1.The Inspector of Police
Kulithalai Police Station,
Karur District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Judicial Magistrate No.II,
Kulithalai



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Crl.O.P.(MD) No.2456 of 2023

SATHI KUMAR SUKUMARA KURUP, J.

LS

CRL.O.P (MD) No.2456 of 2023

14.02.2024