



CrI.O.P.(MD)No.3212 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD) No.3212 of 2024 and
CrI.MP(MD) Nos.2557 and 2558 of 2024

Sithik @ Siddique

... Petitioner

Vs

1.The Sub Inspector of Police,
Melapalayam Police Station,
Tirunelveli District. Cr.No.203/2018.

2.Karrupasamy,
Assistant Engineer,
Melapalayam Region,
Tirunelveli District.

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the charge sheet in CC No.1249/2019 on the file of the Judicial Magistrate Court No. V, Tirunelveli District and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner
For R1

: Mr.G.Anto Prince
: Mr.P.Kottaichamy
Government Advocate(CrI.side)



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ORDER

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This Criminal Original Petition is filed to quash the proceedings in CC No.1249 of 2019, on the file of the Judicial Magistrate Court No. V, Tirunelveli District, insofar as the petitioner is concerned.

2.The case of the prosecution is that on 21.06.2018, the Defacto complainant along with the officials engaged in removal of the banner and flex, which were kept unlawfully in the South Bypass Road, near K.A.Hotel, the petitioner along with the other accused questioned the defacto complainant and abused him with obscene words. It is also alleged that the accused persons have criminally intimidated the defacto complainant and other officials that they would face the consequences, when there is a change in the Government. Therefore, a case has been registered as against the petitioner and other accused for the offence under Sections 147, 264(b), 353, 506(i) of IPC in Crime No.203 of 2018 and the same was taken on file in CC No.1249 of 2019 by the learned Judicial Magistrate No. V, Tirunelveli District.



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3.The learned Counsel for the petitioner has raised various grounds to quash the above proceedings as against the petitioner that no specific allegation has been made as against the petitioner. He further submits that on perusal of the charge sheet reveals that the ingredients for attracting the alleged offence under Sections 147, 264(b), 353, 506(i) of IPC has not been established by the prosecution.

4.Mr.P.Kottaichamy, learned Government Advocate (Crl.side), who takes notice for the official respondent strongly objects for quashing the proceedings in CC No.1249 of 2019 and submits that the grounds raised by the petitioner is a matter for trial.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the first respondent.

6.Though the petitioner has raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed. However,



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liberty is granted to the petitioner to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

23.04.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

vrn

To

- 1.The Sub Inspector of Police,
Melapalayam Police Station,
Tiruenlveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
Crl.OP(MD) No.3212 of 2024 and
Crl.MP(MD) Nos.2557 and 2558 of 2024

23.04.2024