

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2024

CORAM:

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P.(MD) No.4142 of 2021

and

Crl.M.P(MD)Nos.2296 and 2297 of 2021

K.Boothalingam

... Petitioner/Sole Accused

Vs.

1.The Sub Inspector of Police,
Kottar Police Station,
Kottar,
Nagercoil,
Kanniyakumari District.
(Crime No.455 of 2019)

... 1st Respondent/Complainant

2.Muthumari Devendrar

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of the impugned charge sheet in C.C.No.345 of 2020 on the file of the Judicial Magistrate No.II, Nagercoil, Kanyakumari District and to quash the same.

For Petitioners : Mr.N.Pragalathan

For R-1 : Mr.S.Manikandan
Government Advocate
(Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the charge sheet against the petitioner in C.C.No.345 of 2020 on the file of the Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

2. The facts of the case in a nut shell are as follows:

The defacto complainant is the Sub-Inspector of Police of the District Crime Branch, Nagercoil, Kanyakumari District. On 16.11.2019, the defacto complainant along with Rasalraj, Head Constable of Police, went to Srivatsa Maruti Suzuki service centre, Beach Road Junction, Nagercoil to enquire one Boothalingam/present petitioner in respect of an offence committed by him under Section 420 IPC in Crime No.30 of 2019 on the file of District Crime Branch, Nagercoil. When the defacto complainant and the Head Constable started enquiring the petitioner, he asked the defacto complainant as to why they had not come in uniform and also abused them in filthy language. When it was confronted by the defacto complainant, the accused/petitioner assaulted him as a result of which he sustained simply injury on his forehead. Thereafter, the defacto complainant lodged a complaint with the Sub-Inspector of Police, Kottar Police Station, Kanyakumari District on the same date against the present

petitioner and FIR in Crime No.455 of 2019 was registered against the accused/petitioner for the offences punishable under Sections 341, 294(b), 332 and 506(ii) IPC. The Sub-Inspector of Police after conducting investigation laid a final report for the aforesaid offences.

3. Mr.N.Pragalathan, learned counsel appearing for the petitioner would contend that the petitioner did not commit any offence and that the present complaint has been falsely foisted against him.

4. Per contra, Mr.S.Manikandan, learned Government Advocate (Criminal Side), would contend that the learned Judicial Magistrate took cognizance of the offences in C.C.No.345 of 2020 and now the case stands posted for trial. It is his submission that the Sub-Inspector of Police after conducting proper investigation has laid the final report and there is no ground to quash the C.C.No.345 of 2020.

5. At the outset, it may be observed that the defacto complainant is the Sub-Inspector of Police and he went to office of the petitioner on 16.11.2019 for enquiring him in respect of Crime No.30 of 2019 of District Crime Branch, Nagercoil for the alleged offence under Section 420 IPC. During the course of

enquiry, it was alleged that the petitioner attacked the defacto complainant causing simply injury and also abused him in filthy language. FIR was registered on the same date that is on 16.11.2019. The Sub-Inspector of Police, Kottar Police Station after conducting investigation had filed the final report before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

6. A perusal of the statements under Section 161(3) Cr.P.C of the defacto complainant as well as the Head Constable of Police and the Medical Officers shows that there is a prima facie case against the petitioner. In fact, no valid ground is raised in this petition for this Court to infer that a false case has been foisted against the present petitioner.

7. In the facts and circumstances, this Criminal Original Petition is dismissed as devoid of merits. Consequently, connected miscellaneous petitions are closed.

12.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

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

R. HEMALATHA, J.

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Nsr

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