



CrI.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved : 22/12/2023

Date of Pronounced : 14/03/2024

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The Hon'ble Mr.Justice **G.ILANGO VAN**

CrI.OP (MD)Nos.10206 of 2021 and 6764 of 2022

and

CrI.MP (MD)Nos.5224 and 5225 of 2021

M.Vellaichamy : Petitioner/Sole Accused

Vs.

1.The State rep. by
Inspector of Police,
Valanadu Police Station,
Trichy District.
(Crime No.52 of 2018)

2.R.Akila,
Sub-Inspector of Police,
Valanadu Police Station,
Trichy District. : Respondents

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in CC No.171 of 2018 on the file of the Judicial Magistrate, Manaparai, Trichy District, quash the same and to pass any other further or orders.

For Petitioner : Mr.M.Vellaisamy
(Party-in-person)

For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.S.Poornachandran



CrI.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

M.Vellaichamy

Petitioner

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Vs.

- 1.Mr.Lashman Kumar
The Inspector of Police,
Salem Town Police Station,
Salem.
- 2.R.Rajendran Vellore Government
Hospital Doctor
- 3.Mrs.Brindha,D.S.P.
Subramaniapuram, Trichy.
- 4.Mr.Balaji, Inspector of Police,
Thuvarankurichi,
Marungapuri TK,
Tiruchy District.
- 5.Mrs.Akila,
The Sub-Inspector of Police,
Edamalaipattiputhur Police Station,
Trichy District.
- 6.Sakthi
- 7.Chinnu
- 8.Kamalam
- 9.Shanmudeen
- 10.Nagarajan
- 11.Chitra

: Respondents

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, for direction to CBCID investigation pertaining to Crime No. 35 of 2018.

For Petitioner : Mr.M.Vellaisamy
(Party-in-person)

For R1 to R4 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For 5th Respondent : Mr.S.Poornachandran



Crl.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

O R D E R

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This criminal original petition has been filed seeking quashment of the case in CC No.171 of 2018 on the file of the Judicial Magistrate, Manaparai, Trichy District.

2.The case of the prosecution is that on 02/08/2018, the de-facto complainant along with Kannukuli Village Administrative Officer went to the house of this petitioner to serve RC notice regarding the Crime No.35 of 2018. The petitioner refused to receive the same. So, the notice was tried to be pasted in the door of the house. At that time, the petitioner alleged to have taken the stone and thrown up on the de-facto complainant and the Village Administrative Officer. They escaped from that assault. Upon the complaint given by the de-facto complainant, a case in Crime No.52 of 2018 was registered for the offences under sections 294(b), 353 and 506(ii) of IPC. After completing the investigation, final report was filed and it has been taken cognizance in CC No.171 of 2018 by the trial court namely the Judicial Magistrate, Manaparai, Trichy District.

3.Seeking quashment of the same, this petition is filed by the petitioner, who is also appearing as party-in-person.



Crl.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

4.In the petition, it has been stated by the petitioner that the de-facto complainant himself is the Investigating Officer and filed the final report, which is not permissible under law.

5.Heard both sides.

6.As mentioned in the preamble portion, the prosecution case is that the petitioner alleged to have prevented the de-facto complainant from discharging his official duty and tried to assault him also. The de-facto complainant stated in his statement that the petitioner is the complainant in Crime No.35 of 2018, which was registered for the offences under sections 363, 380 and 448 of IPC. After investigation, final report was closed as 'Mistake of Fact'. To serve the RC notice, they went to the house of the petitioner. But the petitioner refused to receive the same. When an attempt was made to paste the RC notice in the house door, he was tried to be assaulted and the witness. The statement of the de-facto complainant is also corroborated by the Village Administrative Officer, who accompanied the de-facto complainant to serve the notice.



CrI.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

7. Whether the occurrence said to have been taken place is true or not cannot be a matter for consideration by this court. It is a factual aspect, which got to be tried to its logical conclusion.

8. The petitioner, who is a party-in-person is not in a position to communicate his grievance in a proper manner. He was advised to take the assistance of the Legal Aid Counsel, but he refused.

9. A report is called for from the trial court as to the earlier order passed by this court to engage the legal aid counsel for him. There was a protest petition filed by him in Crime No.35 of 2018. Report received stating that even for that purpose, this petitioner is not cooperating either with the Taluk Legal Services Authority or the Advocate appointed for him. So, this attitude also shows that the petitioner is often engaged in sending frivolous complaints against several persons, including the police officials, without any basis.

10. It appears that without knowing the consequence, the petitioner is continuously involving in such sort of activities. So, I find that this is not a fittest case to quash the proceedings. The trial must be taken to its



CrI.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

logical end. Accordingly, CrI.OP (MD)No.10206 of 2021 is dismissed.

CrI.OP (MD)No.6764 of 2022:-

11.The petitioner was married with the second respondent namely Chitra. After the marriage, six children born to them. Because of the ill-treatment made by the third respondent namely the mother-in-law and other relatives namely the respondents 4 and 5, she returned to her original native place at Unaiyur. They started living there. But even then the respondents 3 to 5 were making frequent trouble. They also poisoned the mind of the wife. On 03/04/2010, the respondents 3 to 5 along with some rowdy elements trespassed into the house, stolen away Rs.80,000/- and 8 sovereigns of gold jewels with the help of the second respondent. The second respondent namely his wife is also colluding with the other respondents. On coming to know about the occurrence, he approached the third respondent to release his wife and jewels, money, etc. He also gave a complaint. That was not registered. Later, a case was registered on the basis of the order of this court in Crime No.35 of 2018.



Crl.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

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12.In the complaint, it has been mentioned that one of his son namely Ponnershankar was murdered. But however, it was closed as negligent death. In-spite of repeated complaints, no proper action was taken even for the murder. Later, he came to know that the FIR in Crime No.35 of 2018 was closed. He was not able to file a protest petition. The case was posted to 17/07/2018. So, this petition is filed seeking an order to take the investigation in Crime No.35 of 2018 by CBCID. Apart from that, it is also stated in the petition that some other facts relating to the death of his son namely Ponnershankar.

13.Heard the petitioner and the learned Additional Public Prosecutor.

14.First of all, the petition is not in proper order. The petitioner is stitched some other papers which are not relevant along with this petition.

15.Now the main challenge is with regard to Crime No.35 of 2018, which is also included in Crime No.545 of 2020 in the petition. It appears that he wants both the matters to be investigated by the CBCID Wing.



CrI.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

16.Now, we will take up the case in Crime No.35 of 2018.

17.The learned Additional Public Prosecutor would submit that final report was also filed and the petitioner was also given liberty to file protest petition. In respect of the above said crime number only, this court directed the Taluk Legal Services Authority to engage an Advocate to prosecute the protest petition. Now the report says that the petitioner is not cooperating even for the assistance. So, the efforts made by this court to assist the Court to resolve his grievance before the trial court did not yield any result.

18.So, without prosecuting the protection petition, he straightaway filed this petition seeking the relief. But the fact remains that it is a matrimonial issue between the petitioner and his wife and the in-laws. So, I am of the considered view that absolutely no case has been made out, which is extraordinary in nature to order CCB investigation. Depending upon the protest petition enquiry, the petitioner has to work out his remedy through appropriate proceedings. So, this is not the fittest case to transfer the investigation.



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CrI.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

19. So far as the Crime No.545 of 2020 is concerned, even though, he has stated that it is a murder case, no document is available to say that over the death of his son namely Ponnershankar, the case was registered for murder.

20. Perusal of the entire records shows that repeated complaints have been given by the petitioner invoking various provisions for the issue. As mentioned above, connecting the murder, he is not in a position to explain situation clearly and insisting upon the order for the CBCID to investigate the matter. Simply because the petitioner says that his son was murdered, without any basic document and particulars, the petitioner has repeatedly filed applications. I find that no extraordinary cause has been made out by the petitioner. That request cannot be entertained. Accordingly, this criminal original petition is also dismissed.

21. In the result, both the criminal original petitions are **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

14/03/2024

Index:Yes/No
Internet:Yes/No
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Crl.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

To,

1.The Judicial Magistrate,
Manapparai,
Trichy District.

2.The Inspector of Police,
Valanadu Police Station,
Trichy District.

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



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CrI.O.P.(MD)Nos10206 of 2021 and 6764 of 2022

G.ILANGO VAN, J

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CrI.OP(MD)No.21206 of 2021 and 6764 of 2022

14/03/2024