



CRL OP(MD). No.6296 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated :03.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.6296 of 2024

and

CRL.M.P.(MD)Nos.4757 & 4758 of 2024

1. Anandan
2. Arumugam
3. G,Balasubramanian
4. Sankar

... Petitioners

Vs.

1. State rep. By the
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District.
(Crime No.667 of 2021)

2. M.Senthil Kumar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the charge sheet in STC No.22 of 2024 pending before the learned Judicial Magistrate No.I, Pudukottai and quash the same as against the petitioners.



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For Petitioners : Mr.Senthil Kumaraiah.J
For R-1 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R-2 : Mr.ParanJothi
for KBS Law Office

ORDER

The petitioners have filed this petition, seeking to quash the proceedings in S.T.C.No.22 of 2024 on the file of the Judicial Magistrate-I, Pudukottai.

2. The case of the prosecution is that the defacto complainant herein was dismissed by the Tamil Nadu State Transport Corporation Limited. On 05.09.2019, when the defacto complainant's son was travelling in the Tamil Nadu State Corporation Bus, due to previous motive, the conductor of the bus has not permitted the son of the defacto complainant to travel on the student pass and abused him and pushed him down. When the same was questioned by the defacto complainant, there was a wordy quarrel between them and abused the defacto complainant.



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Based on the complaint of the defacto complainant, a case has been registered in Crime No.667 of 2021 as against the petitioners for the offence under Sections 323 and 506(i) of IPC.

3. The learned Counsel appearing for the petitioners submitted that when the occurrence had taken place, the petitioners 2 to 4 were not present in the bus. The petitioners 2 to 4 have been added as accused on the ground that they have not considered the defacto complainant's representation. Further, he submits that the second petitioner is on the verge of his retirement.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent submits that it is a matter for trial and it can be raised before the trial Court.

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



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6. Considering the allegations as against the petitioners and the materials placed as against the petitioners 2 to 4, this Court is inclined to quash the proceedings in so far as the petitioners 2 to 4 are concerned and this Criminal Original Petition is partly allowed for the petitioners 2 to 4/A2 to 4. In so far as the first petitioner is concerned, this petition is dismissed with liberty to the first petitioner to raise all these grounds before the trial Court, during the trial. Consequently, connected miscellaneous petitions are closed.

03.07.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai 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
CrI.O.P.(MD)No.6296 of 2024

03.07.2024