



Crl.O.P(MD).No.13353 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD)No.13353 of 2021

and

Crl.M.P(MD).No.6910 of 2021

1.Jayaraj,
Inspector of Police,
Virugampaakam Police Station, Chennai.

2.S.Kannan,
Police Constable,
Virugampaakam Police Station, Chennai.

3.Vijayapandian,
Sub Inspector of Police,
Vadapalani Police Station, Chennai.

... Petitioners / Accused Nos.1 to 3

Vs.

1. The State Represented by
The Inspector of Police,
CBCID Police,
Thiruchirapalli District.
(In Crime No.1 of 2016)

... 1st Respondent / Complainant

2.T.S.Pasupathy

... 2nd Respondent / Defacto
Complainant

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records of the Charge Sheet in C.C.No.437 of 2021 on the file of the learned Judicial Magistrate No.VI, Thiruchirapalli, and quash the same.



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For Petitioners	: Mr.P.Edinbrough
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Mr.C.Mahadevan

ORDER

This criminal original petition has been filed to quash the impugned charge sheet in C.C.No.437 of 2021 on the file of the learned Judicial Magistrate No.VI, Thiruchirapalli.

2.The case of the prosecution is that the defacto complainant is a politician. On 05.11.2014, at about 09.20 a.m, the defacto complainant and his family members were signing before the Cantonment Police Station, the petitioners and his team in civil dress entered into the Police Station and attacked the defacto complainant, his wife and his son in front of the cantonment police officers and tried to kidnap them. Thereby, the second respondent lodged a complaint as against the petitioners. Based on which, a case in Cr.No.1 of 2016 was registered for the offences under Sections 147, 341, 294(b), 323 and 506(1) of IPC. Upon completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No.437 of 2021 by the learned Judicial Magistrate No.VI, Thiruchirapalli. Challenging the same, the present petition has been filed.



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3.The learned counsel appearing for the petitioners submitted that the petitioner did not commit any offence as alleged by the prosecution.

The defacto complainant is a History Sheeter and the defacto complainant and his family members have involved in so many cases and also signing before the various Police Stations. On 05.11.2014, there was no such occurrence was happened as alleged by the defacto complainant. The first petitioner has tried to arrest the defacto complainant and his sons. But, they have not co-operated and the same was false to say that the defacto complainant and his family members were attacked. In order to wreck vengeance, he filed this case against the petitioners. Accordingly, he prayed to quash the impugned charge sheet.

5.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the respondent police enquired the matter and closed the same as 'mistake of fact'. Thereafter, the defacto complainant filed a protest petition before the Court below and the same was allowed and the case was taken on cognizance in C.C.No.437 of 2023. Now, in this case, the trial was commenced and 57 witnesses have been examined. He further submitted that there are materials available to proceed with the case as against the petitioners herein and at the



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threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

6.The learned counsel appearing for the second respondent submitted that due to political motive, the petitioners filed false FIRs again and again against the second respondent and his family members and also opened a History Sheet against him. When the defacto complainant and his family members went to sign before the Cantonment Police Station, Trichy for complying with the conditions of this Court, the petitioners are said to have attacked the second respondent and his family members. The act of the petitioners was warned by the Inspector of Police, Cantonment Police Station, Trichy and the Commissioner of Police, Trichy. Thereby, the second respondent gave a complaint before the learned Judicial Magistrate No.2, Trichy. The learned Magistrate directed the Cantonment Police Station, Trichy to give police protection to the second respondent and his family members and also issued a recommendation letter to the Government Hospital, Trichy, for taking treatment. Even there also, the first petitioner came and threatened him and his family members. Thereby, the second respondent sent a



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complaint to the Cantonment Police Station, Trichy, the Deputy Commissioner of Police, Trichy and the Commissioner of Police, Trichy.

But, there was no response. Hence, he filed a petition before this Court in Crl.OP(MD)No.13947 of 2015 seeking direction to register a case against the petitioners. Thereafter, case was registered in Crime No.788 of 2015 for the offences under Sections 147, 341, 294(b), 323 and 506(i) of IPC. Due to non satisfaction of investigation conducted by the Police, he filed an another petition in Crl.OP(MD)No.904 of 2016 seeking transfer the case to the file of the CBCID, Trichy, and the same was allowed. The case in Crime No.788 of 2015 was transferred to CBCID, Trichy, and renumbered as Crime No.1 of 2016. Since the petitioners being police officials, even for the registration of an FIR against them, the above mentioned prolonged effort has been taken by the second respondent. However, the Police of CBCID, Trichy after investigation, closed the case as 'Mistake of Fact' without giving any notice to the second respondent. Thereby, the second respondent filed a protest petition before the Court below and the same was allowed and the case was taken on file. There is specific allegations against the petitioners. Accordingly, he prayed for dismissal of this petition.



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7. Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. Useful reference in this regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***.

8. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioners if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charge framed against them as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against them.

9. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.437 of 2021 pending on the file of the learned Judicial Magistrate No.VI, Thiruchirapalli. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.



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10. At this juncture, the learned counsel appearing for the petitioners prayed to dispense with the personal appearance of the petitioners before the Trial Court.

11. Considering the request made by the learned counsel appearing for the petitioners, the personal appearance of the petitioners is dispensed with before the trial Court with the following conditions:-

i) The personal appearance of the petitioners is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days.

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Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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A.A.NAKKIRAN, J.

dss

To

1. The Judicial Magistrate No.VI,
Thiruchirapalli.
2. The Inspector of Police,
CBCID Police,
Thiruchirapalli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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and

CrI.M.P(MD).No.6910 of 2021

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