



Crl.O.P.(MD)No.18418 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

**Crl.O.P.(MD) No.18418 of 2022**

**and**

**Crl.M.P.(MD).No.12360 of 2022**

1.Siluvai Arul Chandru

2.Sanjay Prathish

3.Siluvai Micheal Dennis

4.Iruthaya Yovan

... Petitioners

Vs.

1.State represented by  
the Inspector of Police,  
Radhapuram Police Station,  
Tirunelveli District.  
(Crime No.187 of 2021)

2.Thirumal

3.John Britto

4.Vallinayagam

5.Esakkiappan

...Respondents

(Respondent Nos.3 to 5 are impleaded as per order of the Court dated  
08.12.2022 in Crl.M.P.(MD).No.15261 of 2022 in Crl.O.P.(MD).No.  
18418 of 2022)



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**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of impugned FIR in Crime No.187 of 2021 on the file of the first respondent and quash the same as illegal insofar as the petitioners are concerned.

For petitioner : Ms.C.Geetha

For R-1 : Mr.B.Nambiselvan,  
Additional Public Prosecutor

For R-2 to R-5 : Mr.D.Sivaraman

### **ORDER**

This petition has been filed seeking to quash FIR in Crime No.187 of 2021 for the offences punishable under Sections 147, 148, 294(b) and 506(2) IPC on the file of the first respondent insofar as the petitioners are concerned.

2. The case of the prosecution is that on 29.08.2021 the second respondent was riding in his bicycle near Aathankarai Pallivasal and at that time, the accused persons dashed against his vehicle and when the same was questioned by the second respondent, the accused persons threatened the second respondent as well as general public by showing deadly weapons. Thereafter, they ran away from the scene of occurrence.

Hence, the complaint.



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3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He would further submit that in order to wreck vengeance against the petitioners, the respondent Police instigated the second respondent to file a false complaint against the petitioners.

4. The learned counsel appearing for respondent Nos.3 to 5 would submit that the petitioners are history sheeters. He would further submit that some previous cases are pending against the petitioners. He would further submit that in order to escape from the clutches of law, the petitioners herein impleaded respondent Nos.3 to 5, which is not sustainable one and the contents found in the FIR are true.

5. The learned Additional Public Prosecutor appearing for the respondent Police would submit that during the pendency of the petition, the investigation has been completed by the respondent Police and charge sheet is also filed before the learned Judicial Magistrate, Radhapuram and the same was taken on file in C.C.No.57 of 2023.

6. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no



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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. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in *State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)*

6. Accordingly, this Criminal Original Petition is dismissed.  
Consequently, connected miscellaneous petition is closed.

**20.03.2024**

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate, Radhapuram.

2.The Inspector of Police,  
Radhapuram Police Station,  
Tirunelveli District.

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



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**M.DHANDAPANI. J.**

TSG

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**20.03.2024**