



Crl.O.P.(MD)No.21282 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21282 of 2024
and Crl.M.P(MD).Nos.13213 and 13214 of 2024

P.Renganathan

: Petitioner

Vs.

1.The State of Tamil nadu
rep., by the Inspector of Police,
Vadipatti Police Station,
Vadipatti, Madurai DISTRICT.
Crime No.176 of 2016

2.V.Baskaran

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to charge sheet in P.R.c.No.48 of 2022 pending before the learned Judicial Magistrate Court, Vadipatti, and quash the same as arbitrary and illegal as against the petitioner/13th accused.

For Petitioner

: Mr.K.C.Ramalingam

For R1

: Mr.K.Sanjai Gandhi

Government Advocate (Crl.side)



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ORDER

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The petitioner, who is arrayed as A13 in PRC.No.48 of 2022, has filed this quash petition.

2. The case projected against the petitioner is that on 03.04.2016 at about 06.00 pm., when the defacto complainant was proceeding to Vadipatti, near Kutladampatti Shivan temple, at that time, one Palanichamy was in drunken mood driving his vehicle in dangerous and hazardous manner. The defacto complainant fearing stopped his vehicle aside the road safely. Thereafter, the defacto complainant questioned the said Palanichamy that why he is driving the vehicle in such reckless manner, for which, the said Palanichamy got offended and abused the defacto complainant and also threatened. Thereafter, on the same day, at about 08.00 pm., other accused including the petitioner joined together and assaulted the defacto complainant using iron rod and sick and later, a complaint has been lodged. On registration of the complaint, the respondent police had conducted investigation and laid charge sheet listing 13 witnesses and documents.



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3. The contention of the petitioner is that since his wife was former Vadipatti Union Chairman, his name was popular and the defacto complainant not knowing about assailants details had included the petitioner's name, which the defacto complainant later realised and sent requisition to the Deputy Superintendent of Police, Samayanallur, as early as on 11.04.2016, wherein he had clearly stated that he had wrongly included A3-Kannan, A6-Prabhu, A10-Satheesh, A11- Ramar and A13-Renganathan in his complaint and their name to be deleted in the case in Crime No.176 of 2016. Further, Kannan /A3 had filed a quash application in Crl.O.P.No.19845 of 2018 and this Court by order dated 02.11.2018 referring to the letter of the defacto complainant dated 11.04.2016 recorded that A3's name should have been deleted, but not done so. Hence, directed the Deputy Superintendent of Police to take appropriate action within a period of two weeks from the date of order.

4. The learned Government Advocate (crl.side) fairly submitted that in this case, the defacto complainant had given a letter on 11.04.2016, in which, he had stated that due to misidentify, he had included the name of A3-Kannan, A6-Prabhu, A10-Satheesh, A11- Ramar and A13-Renganathan in his complaint and later, he realised that these persons



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have no way connected with the assault made on him and had given letter to remove their name. This Court had also acknowledged the letter and directed the Deputy Superintendent of Police to take appropriate action on the defacto complainant's letter.

5. In view of the above, when defacto complainant himself, who is the single victim, had given a letter that the name of A3-Kannan, A6-Prabhu, A10-Satheesh, A11- Ramar and A13-Renganathan have been wrongly mentioned by misidentify and their name to be deleted, this Court quashes the proceeding in P.R.C.No.48 of 2022 pending on the file of the learned Judicial Magistrate, Vadipatti, not only against the petitioner but also against A3-Kannan, A6-Prabhu, A10-Satheesh and A11- Ramar. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

05.12.2024

NCC : Yes/No
Index : Yes / No
Rmk



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To

- 1.The Judicial Magistrate, Vadipatti.
- 2.The Inspector of Police,
Vadipatti Police Station,
Vadipatti, Madurai DIstrict.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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