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Crl.O.P.(MD)No.22872 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved : 20/12/2023

Date of Pronounced : 13/03/2024

CORAM

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

Crl.OP (MD)No.22872 of 2023

and

CrlMP (MD)Nos.17869 and 17870 of 2023

1.Siva @ Sivasubramanian
2.Murugan
3.Ashok
4.Kutty @ Sundaramahalingam : Petitioners/
A1, A2, A4 and A5

Vs.

1.The State,
Rep. by Inspector of Police,
Chinnamanur Police Station,
Theni District.
(Crime No.19 of 2012) : 1st Respondent/
Complainant

2.M.Nagaraj : 2nd Respondent/
De-facto Complainant

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings in impugned charge sheet in CC No.284 of 2023 on the file of the Fast Track Court, (M.L), Uthamapalayam, Theni District and quash the same as against the petitioners.

For Petitioners : Mr.P.Vishnu Varthanan

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)



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O R D E R

WEB COPY This criminal original petition has been filed seeking quashment of the case in CC No.284 of 2023 on the file of the Fast Track Court, (M.L), Uthamapalayam, Theni District.

2.The case of the prosecution in brief:-

On 12/01/2012 at about 09.30 pm, when the de-facto complainant was standing in front of the Government Cable TV office, at that time, another cable TV operator by name Siva @ Sivasubramaniam and his employees came to that place, picked up quarrel with him and also made life threat with sharp edged weapon. They also assaulted him. He sustained injury. When Rajappan and Mathivanan intervened they were also assaulted by the group. They fled away from that place after making criminal intimidation. Over which, on the basis of the complaint a case in Crime No.19 of 2012 was registered for the offences under sections 148, 294(b), 324, 506(ii) of IPC against the accused persons. After completing the investigation, final report was filed and it was taken cognizance in CC No.284 of 2023 by the Fast Track Court (Magisterial Level), Uthamapalayam, Theni District.



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3. Seeking quashment of the same, A1, A2, A4 and A5 filed this petition on the ground that there is a business rivalry between themselves and the de-facto complainant; absolutely, there is no chance for occasion for the offences said to have been taken place. They are cable TV operators in Chinnamanur area. They are operating Cable TV business in Chinnamanur area as per the order of this court; but the de-facto complainant already conducted such a business in that area. There is no occasion for the business rivalry. But the de-facto complainant's party wanted to take over the business; because of that, there was a problem between them.

4. Heard both sides.

5. As stated in the complaint and in the final report, the offences are punishable under sections 147, 148, 294(b), 324, 506(ii) of IPC. We will straightaway verify as to whether any injury sustained by the de-facto complainant and other witnesses. One Dr. Suresh said to have admitted the injured person in the Government Hospital, Chinnamanur. In his statement he has stated that on 12/01/2012, when he was discharging his duty in the Government Hospital, one Nagaraj was admitted in the hospital along with the police memo. He found simple



injury on the left palm region. So he issued wound certificate stating that the injury sustained by him is simple in nature. When it is a case of injury, the ground on which, this petition came to be filed is completely out of place and cannot be taken into account at all.

6. Whether the case has been foisted against the petitioners out of the business rivalry, it is beyond the scope of the enquiry by this court. It is a matter for consideration by the trial court. Even at the time of making the submission, this court put a specific clarification to the petitioners as to how the petition is maintainable, when prima facie there is injury and supported by a Doctor evidence, Wound Certificate. But the learned counsel appearing for the petitioners insisted that since the petitioners are performing or conducting business of Cable TV operation in the Chinnamanur area, the motive suggested by the prosecution is absolutely not correct. According to them, when the version of the complaint itself is not true, then criminal prosecution is bad in law. But this sort of argument cannot be advanced and heard. It is purely a factual issue as to what happened on that particular date of occurrence. I find no reason to entertain this petition.



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7.In the result, this criminal original petition stands **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

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Index:Yes/No
Internet:Yes/No
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To,

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- 1.The Fast Track Court (M.L),
Uthamapalayam,
Theni District.
- 2.The Inspector of Police,
Chinnamanur Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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