



Crl.O.P.(MD) No.4844 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.4844 of 2025

and

Crl.M.P(MD) No.3485 of 2025

Sivanth Babu

... Petitioner

Vs.

1. The Sub Inspector of Police
Silaiman Police Station
Madurai District

2. Kulsar Parveen
Taluk Supply Officer
Peraiyur Taluk
Madurai District

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records in Crime No.473 of 2021 pending investigation on the file of the first respondent police and quash the same as against the petitioner.

For Petitioner : Mr.P.Suresh

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



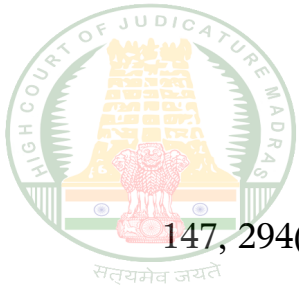
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ORDER

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This petition has filed to quash the First Information Report in Crime No. 142 of 2021 on the file of the first respondent police.

2. The learned counsel appearing for the petitioner would submit that the second respondent has lodged a false complaint against one Thirumaran and others and this petitioner has been arrayed as one of the accused in this case. As per the prosecution the defacto complainant, Taluk Supply Officer in the event of Thevar Jeyanthi from 27.10.2021 to 30.10.2021 when he was on duty along with police officials at old Silaiman road check post, at that time the Thenindia Forward Bloc Party leader Thiruman came in a car along with his supporters in several cars. The check post officials informed that due to law and order issue the route was prohibited for travelling vehicles. At that time the accused persons unlawfully assembled together and abused the defacto complainant and other police officials and damaged the Shamyana Panthal and barricades and caused damages, therefore they registered a case. Infact this petitioner is not connected with the alleged occurrence. The petitioner is a law college student and he belongs to the said political party hence his name was included in the present case. In order to constitute the offence under Sections



147, 294(b), 353 and 506(i) of IPC and Section 3 of TNPPDL Act there are no materials even as per the First Information Report. On whole reading of the First Information Report there is no specific allegation as against this petitioner and no offence is made out and therefore the pending First Information Report is liable to be quashed.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No.473of 2021 for the offences under Sections 147, 294(b), 353 and 506(i) of IPC and Section 3 of TNPPDL Act, thereby they registered the case and now the case is under investigation and at this stage the petition is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. According to the case of prosecution on the date of occurrence in the event of Thevar Jeyanthi from 27.10.2021 to 30.10.2021 when the defacto complainant was on duty along with police officials at old Silaiman road check post, at that time the Thenindia Forward Bloc Party leader Thiruman came in a car along with his supporters in several cars. The check post officials informed



that due to law and order issue the route was prohibited for travelling vehicles.

At that time the accused persons unlawfully assembled together and abused the defacto complainant and other police officials and damaged the Shamyana Panthal (Shadow) and barricades and caused damages to the public property and used obscene words and cause life threat to the defacto complainant. According to the petitioners he has not participated in the occurrence and he is only a member to the party and thereby his name has been included.

6. This Court also perused the First Information Report. The First Information Report has been registered on 29.10.2021 for the offences under Sections 147, 294(b), 353 and 506(i) of IPC and Section 3 of TNPPDL Act and thereafter till date no charge sheet was filed. This petitioner is not a named accused. Even as per the First Information Report Thirumaran and others involved in this case. In this case without any materials the police has included the petitioner as one of the accused. In this case, even as per the First Information Report there are no materials as against the petitioner and no any specific overt act has been attributed as against this petitioner.



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7. Considering the nature of offences and the case is pending from 29.10.2021 and without any materials this petitioner has been included as accused in this case and without any materials the pending First Information Report is abuse of process of law and thereby it is liable to be quashed.

8. In view of the same, the Criminal Original Petition stands allowed and the First Information Report in Crime No. 473 of 2021 on the file of the first respondent police is hereby quashed. Consequently connected miscellaneous petition stands closed.

22.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

1. The Sub Inspector of Police
Silaiman Police Station
Madurai District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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