



Crl.O.P(MD)No.22888 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.22888 of 2024

Rajesh

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District.
(Crime No.11/2018).

2. Martin Samprass

... Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to call for the records in Crime No. 11 of 2018 pending on the file of the Muthaiyapuram Police, Thoothukudi District and quash the same as against the petitioner herein who has been arrived as Accused No.3, as illegal very much against the spirit of the police standing order which specifically put an embargo to the respondent police to venture into the realm of civil overtures.



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Crl.O.P(MD)No.22888 of 2024

For Petitioner : Mrs.W.Pamelin,

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No. 11 of 2018 pending on the file of the Muthaiyapuram Police, Thoothukudi District.

2.The learned Counsel for the petitioner would submit that on 11.01.2018 at about 07.30 p.m, one Samson was standing near harbour quarters. The defacto complainant took him in his motor cycle to his house and dropped him in his house. While so, immediately, the said Samson along with his friends came to assault the defacto complainant. The defacto complainant along with his friend ran away from the place leaving behind their vehicle. The accused persons caused damages to the defacto complainant's two wheeler to the tune of Rs.6,000/-. Therefore, the second respondent lodged a complaint against the petitioner and others before the first respondent. Based on the same, a case in Crime



Crl.O.P(MD)No.22888 of 2024

No.11 of 2018 has been registered for the offence under Sections 294(b) and 506(2) of IPC and Section 3 of TNPPDL Act and the same is pending investigation. He would further submit that there are no any specific overt act attributed against the petitioner and in fact, no such occurrence was happened and no any ingredients to constitute the offence as against the petitioner. The petitioner has been wrongly implicated in this case only based on vague and bald allegations. Therefore, the pending proceedings are nothing but abuse of process of law. Hence the impugned FIR is liable to be quashed.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that based on the complaint lodged by the second respondent against the petitioner and others before the first respondent, the FIR in Crime No.11 of 2018 has been registered for the offence under Sections 294(b) and 506(2) of IPC and Section 3 of TNPPDL Act and the same is pending. There are specific allegations against each accused, thereby, it needs elaborate investigation. They will complete the investigation as early as possible. Therefore, at this stage, the FIR cannot be quashed and prayed to dismiss this petition.



Crl.O.P(MD)No.22888 of 2024

4.Heard both sides and perused the records.

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5.According to the petitioner, he has been wrongly implicated in this case only based on vague and bald allegations. There are no any specific overt act attributed against the petitioner and in fact, no such occurrence was happened and no any ingredients to constitute the offence as against the petitioner. Therefore, the pending proceedings are nothing but abuse of process of law. According to the prosecution case, based on the complaint lodged by the second respondent against the petitioner and others before the first respondent, the FIR in Crime No.11 of 2018 has been registered and the same is under investigation.

6.On perusal of records it is seen that the FIR has been registered on 13.01.2018 in Crime No.11 of 2018, based on the complaint lodged by the second respondent against the petitioner and others before the first respondent. As per the FIR, the defacto complainant took one Samson in his Bike and dropped him in his house and thereafter, due to previous enmity, the accused chased the defacto complainant and then, the defacto complainant left his bike and ran away from the place. The accused caused damages to the defacto complainant's bike. There are no any



Crl.O.P(MD)No.22888 of 2024

specific overt act attributed against the petitioner and there are only vague allegation against the petitioner and the investigation is also pending for the past seven years. Therefore, the pending proceedings are as against the petitioner only futile exercise and the impugned FIR is liable to be quashed.

7.In view of the above, the proceedings in Crime No.11 of 2018 is quashed as against the petitioner. Therefore, this criminal original petition is allowed.

29.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District.

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

5/6



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Crl.O.P(MD)No.22888 of 2024

P. DHANABAL, J.

LR

Crl.O.P(MD)No.22888 of 2024

29.04.2025