

Crl.O.P.(MD)No.226 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.226 of 2025

and

Crl.M.P.No.146 of 2025

R.Satheehwaran @ Satheesh ... Petitioner / A21

Vs.

1.The State of Tamilnadu Rep. by
The Inspector of Police
Sivaganga Town Police Station,
Sivagangai District. ... 1st Respondent / Complainant

2.P.Suresh
Village Administrative Officer,
No.51, Melavaniyangudi Group,
Sivagangai District. ... 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned charge sheet under PRC No.20 of 2020, on the file of the learned Judicial Magistrate No.1, Sivaganga, dated 14.02.2020 and to quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.R.Rajeshkumar

For R1 : Mr.K.Sanjai Gandhi
Govt. Advocate(Crl.Side)



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ORDER

WEB COPY Seeking to quash the proceedings in P.R.C.No.20 of 2020, on the file of the learned Judicial Magistrate No.1, Sivaganga, dated 14.02.2020, the petitioner, who is arrayed as A2, has filed the Present Criminal Original Petition.

2. The case projected against the petitioner/A21 is that on 08.09.2019, when the 2nd Respondent, who is the Village Administrative Officer and defacto complainant, and his Office Assistant were on duty, he got information that some people assembled illegally near Government Medical College Hospital, Melavanியangudi Group, Sivaganga to Manamadurai Road, Sivaganga to Manamadurai Road, Sivaganga, due to the murder of Rajasekaran from Panangadi, in front of the Yamaha showroom, they went there at 11.50 a.m., and seen some identified anonymous persons illegally assembled together without obtaining any permission from the Government, with the intention of rioting, with stones and stick in their hands, created public nuisance by blocking the road and obstructing the public and traffic. The assembled persons blocked a private bus, named 'Azhagumalatan', and shouted at the bus driver with abusive and filthy language and broken the front windshield of the bus by throwing stones and stick and threatened the driver of the bus to take back the bus. Hence, the 2nd



defacto complainant filed a complaint at Sivaganga Police Station to take action.

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3. Mr.R.Rajeshkumar, the learned counsel appearing for the petitioner would submit that the petitioner is a practicing Advocate currently operating in Sivaganga District Court. The deceased, Rajasekaran, and the petitioner belong to the same community, and it is apparent that the petitioner has been wrongly implicated in this case as a result of personal animus and a desire for revenge. Such a motive reveals a clear abuse of the judicial process. Further, the inclusion of the petitioner's name without any tangible evidence, coupled with an erroneous portrayal of his involvement, points towards an intentional distortion of facts with an ulterior motive. The charge sheet fails to establish a prima facie case, as the evidence presented is insufficient to support the charges against the accused. There is no clear indication in respect of role of the accused in the alleged offense. The complainant alleges the occurrence took place near Government Medical College Hospital, Melavanianangudi Group, Sivaganga to Manamadurai Road, Sivaganga. But at the time of occurrence, the petitioner was doing his official work in his office, located at a considerable distance from the scene. This fact not only establishes the petitioner's alibi but also highlights the falsity of the complainant's version of events.



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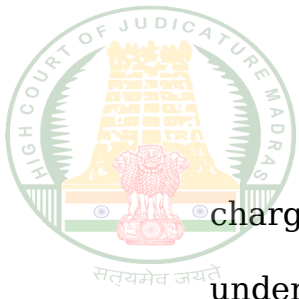
4. The learned counsel for the petitioner further submitted that the charge sheet is based on a fundamentally flawed investigation where the Authorities failed to follow proper investigative procedures. It appears that there was no effort to verify the petitioner's alibi, and the investigation did not adequately account for all available evidence. A fair and impartial investigation was not conducted, and no effort was made to rule out the petitioner as a potential suspect before including him in the charge sheet. This omission of due process renders the charge sheet untenable and warrants quashing. The charge sheet filed against the petitioner constitutes an abuse of the judicial process, as it appears to be motivated by personal or political vendetta rather than based on any legitimate legal grounds. The inclusion of the petitioner, despite no evidence linking him to the offense, is an attempt to misuse the court's process to harass and persecute the petitioner for extraneous reasons. The petitioner was appointed as Commissioner of Oath in 2022, a position that requires a clear criminal background check. On 29/07/2023, a Police Verification Report was issued to the petitioner by the Tamil Nadu Police Department and the report contained that, "he is not found to be involved in any criminal case.



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5. The learned counsel for the petitioner relied on the Judgment of Hon'ble Apex Court in ***State of Haryana v. Bhajan Lal*** reported in ***(1992) SCC (Cri) 426***, wherein it has been held that a charge sheet should be quashed when it is a result of *mala fide* action, abuse of process, or where no *prima facie* case exists against the accused. It is his submission that by impugned charge sheet the respondents have caused grave prejudice and irreparable hardship and heavy loss to him. Hence in the interest of justice it becomes just the necessary that the impugned charge sheet be quashed.

6. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the Respondent would submit that on 08.09.2019, on the basis of the complaint given by the 2nd Respondent / Village Administrative Officer, that some people assembled illegally near Government Medical College Hospital, Sivaganga to Manamadurai Road, Sivaganga, due to the murder of Rajasekaran from Panangadi, without obtaining any permission from the Government, with stones and sticks in their hands, created public nuisance by blocking the road and obstructing the public and traffic with an intention of rioting, broken the front windshield of the bus. The 1st respondent / complainant after investigation filed the



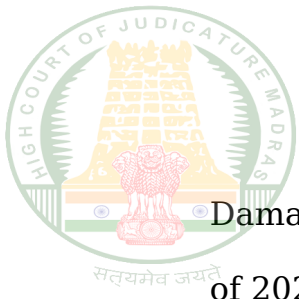
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charge sheet against the petitioner/A21, and others for the offence under Sections 147, 148, 341, 290, 294(b) and 506(ii) of IPC., and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, which culminated into P.R.C.No.20 of 2020 on the file of the Judicial Magistrate No.1, Sivaganga. Hence, the learned Government Advocate prayed for dismissal of the petition.

7. I have heard the learned counsels appearing on either side and perused the materials available on record.

8. On perusal of the records it is seen that on 08.09.2019, based on the complaint filed by the 2nd Respondent / Defacto Complainant, that a group of people assembled illegally near the Government Medical College Hospital, Sivaganga to Manamadurai Road, Sivaganga, following the murder of Rajasekaran from Panangadi, without obtaining any permission from the Government, armed with stones and sticks, created a public nuisance by blocking the road, obstructing both the public and traffic, with an intention of rioting, damaged the front windshield of a bus. After conducting an investigation, the Inspector of Police, Sivagangai, filed a charge sheet against the petitioner (A21) and others for the offences under Sections 147, 148, 341, 290, 294(b), and 506(ii) of the IPC, as well as under Section 3 of the Tamil Nadu Public Property (Prevention of



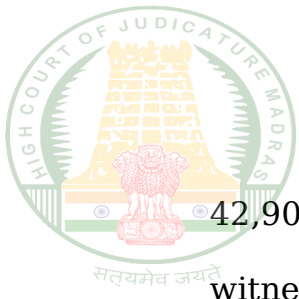
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Damage and Loss) Act, 1992. This case culminated in P.R.C. No. 20 of 2020, on the file of the Judicial Magistrate No.1, Sivaganga.

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9. In this case, the quashing of the proceeding is sought on merits as well. The powers under Section 482 of Cr.P.C. are wide and can be exercised to quash the complaint/FIR/chargesheet or the proceedings on merits. Needless to state that these powers have to be exercised sparingly, cautiously and in consonance with settled principles of law in order to prevent abuse of process of law or to secure ends of justice. The principles relating to quashing of FIR/complaint, charge sheet and proceedings have been stated and reiterated by the Apex Court in catena of decisions.

10. A bare reading of the charge sheet it is seen that the petitioner and other accused damaged and caused loss of Rs. 10,900/- by breaking the front windshield of a private bus; Rs.2000/- from the fruit shop of one Rajendran by causing damages to fruits; Rs.8000/- from the fruit shop of one Mani by threw the fruits; Rs. 10,000/- from 'Praveen Hotel' of Subramanian by throwing Briyani and other meals; Rs.5000/- from the Tea Shop of one Muthukumar, by damaging the windshield jars and threw the snacks; Rs.7000/- from the 'Dheen Store' of Mohammed by damaging water bottles and other things and totally the accused caused a loss to the tune of Rs.



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42,900/-. In order to prove the case, the prosecution examined 21 witnesses as P.W.1 to P.W.21. The statement of witnesses does not indicate that the petitioner involved in the offence. There is no specific allegation in respect of role played by the petitioner in the alleged offense.

11. It is not in dispute that the date of occurrence is 08.09.2019. After the date of occurrence, the petitioner was appointed as Commissioner of Oath in 2022, a position that requires a clear criminal background check. Further, on 29.07.2023, a Police Verification Report issued to the petitioner by the Tamil Nadu Police Department stating that, "he is not found to be involved in any criminal case. It appears that a fair and impartial investigation was not conducted, and no effort was made to rule out the petitioner as a potential suspect before including his name in the charge sheet. This omission of due process renders the charge sheet untenable and warrants quashing. The charge sheet fails to establish a *prima facie* case, as the evidence presented is insufficient to support to the charges against the petitioner. It will be abuse of process of the Court, if the prosecution is allowed to continue. Hence, this is a fit case where this Court should interfere and quash the chargesheet.



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12. In the result, this Criminal Original Petition stands allowed and the proceedings in P.R.C.No.20 of 2020, on the file of the learned Judicial Magistrate No.1, Sivaganga, dated 14.02.2020 is hereby quashed insofar as the petitioner is concerned. Consequently, the connected miscellaneous petition is closed.

21.01.2025

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

- 1.The Judicial Magistrate No.1,
Sivaganga,
- 2.The Inspector of Police
Sivaganga Town Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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