

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.20550 of 2015
and M.P.Nos.1 and 2 of 2015

Dhamodharan ... Petitioner
Vs

State Rep. By
Sub Inspector of Police,
B-11, Saibaba Colony Police Station (L&O)
Coimbatore City.
(Crime No.354 of 2012) ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records in C.C.No.698 of 2013 on the file of the
Judicial Magistrate-VII, Coimbatore and quash the same.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

This petition is filed to quash the proceedings in C.C.No.698 of
2013 on the file of the Judicial Magistrate-VII, Coimbatore.

2. Heard the learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the respondent.

3. It is seen that this is the case and counter. The counter
case has been registered against the defacto complainant in Crime
No.353 of 2012 for the offences under Sections 147, 148, 323, 324,
379, 427 and 506(ii) IPC altered into Section 75 (1) (c) of T.N.C.P.
Act and Sections 323, 427 and 506(ii) I.P.C. As far as this
petitioner is concerned, he charged for the offences under Section 75
(1) (b) of T.N.C.P. Act and Sections 323 and 506(ii) I.P.C. in Crime
No.354 of 2012

4. Mr.S.Venkatesh, learned counsel appearing for the petitioner
submitted that the Doctor certificate shows that the opposite party
was not injured at all. It is true that the Doctor certificate does
not show the injury and that is the reason why, the offence under

Sections 323 IPC has been registered against the petitioner. In a case and counter, trial has to go against both the parties and it is for the trial Court to decide who is the aggressor and who is the victim.

5. Under such circumstances, this is not a fit case to quash the proceedings in C.C.No.698 of 2013 on the file of the Judicial Magistrate-VII, Coimbatore. Hence, this Criminal Original Petition is dismissed with the liberty to the petitioner to raise all the points before the trial Court. Consequently, connected miscellaneous petitions are closed.

vsm

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate-VII,
Coimbatore.
2. The Sub Inspector of Police,
B-11, Saibaba Colony Police Station (L&O)
Coimbatore City.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.S.Venkatesh, Advocate SR 44542

gr(co)
prk9/9

Cr1.OP No.20550 of 2015

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