

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 16.06.2016

DELIVERED ON: 20.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11935 of 2016 and Crl.M.P. Nos.6136
and 6137 of 2016

1 Ramar
2 Parimala

Petitioners/
Accused 1 & 2

vs.

1 The State
represented by its Inspector of Police
Ulundurpet Police Station
Villupuram District
(Crime No.124/2015)

...1st Respondent/
Complainant

2 K. Varadharajan

...2nd Respondent/
Defacto Complainant

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records and quash the charge sheet in
C.C. No.46 of 2016 on the file of the Judicial Magistrate I,
Ulundurpet.

For petitioners Mr. S. Sithirai Anandam

For R1 Mr. C. Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking to call
for the records and quash the charge sheet in C.C. No.46 of
2016 on the file of the Judicial Magistrate I, Ulundurpet.

2 On the complaint lodged by one K. Varadarajan, the
second respondent herein, the respondent police registered a
case in Crime No.124 of 2015 and after completing the
investigation, filed a final report in C.C. No.46 of 2016
against the petitioners herein for offences under Section 294
(b), 323 and 324 IPC, challenging which, the petitioners are
before this Court.

3 The learned counsel for the petitioners submitted
that the entire prosecution is an abuse of process of law,
inasmuch as the second respondent has lodge a false complaint.

The learned counsel contended that though the incident had taken place on 16.04.2015, F.I.R. was registered only on 17.04.2015. He further submitted that the injuries sustained by the second respondent and his wife are only simple in nature, as could be seen from the statement of Dr. Karthikeyan.

4 This Court gave its anxious consideration to the submissions made by the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

5 It is the case of the second respondent that the petitioners had attacked him and his wife on 16.04.2015 around 9.15 p.m. in the village which is about 10 kms. from the police station, as could be seen from the F.I.R; hence, the delay in lodging the complaint on the next day cannot be said to be fatal, in the facts and circumstances of the case; however, the second respondent and his wife were treated by Dr. Karthikeyan and the wound certificate given by him has not been enclosed by the petitioners for the perusal of this Court.

6 The fact remains that the second respondent and his wife were injured in the incident that is said to have taken place around 9.15 p.m. on 16.04.2015, for which they were treated in hospital. It is for the Trial Court to peruse the wound certificate and other materials and frame charges either under Section 323 or 324 IPC, depending upon the nature of the injuries sustained by the second respondent and his wife.

7 Therefore, this Court directs the Trial Court to go into the materials produced by the prosecution and frame appropriate charges in accordance with law.

With the above direction, this Criminal Original Petition stands dismissed. Connected Crl. M.P.s are closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cad

To

1 The Judicial Magistrate I
Ulundurpet

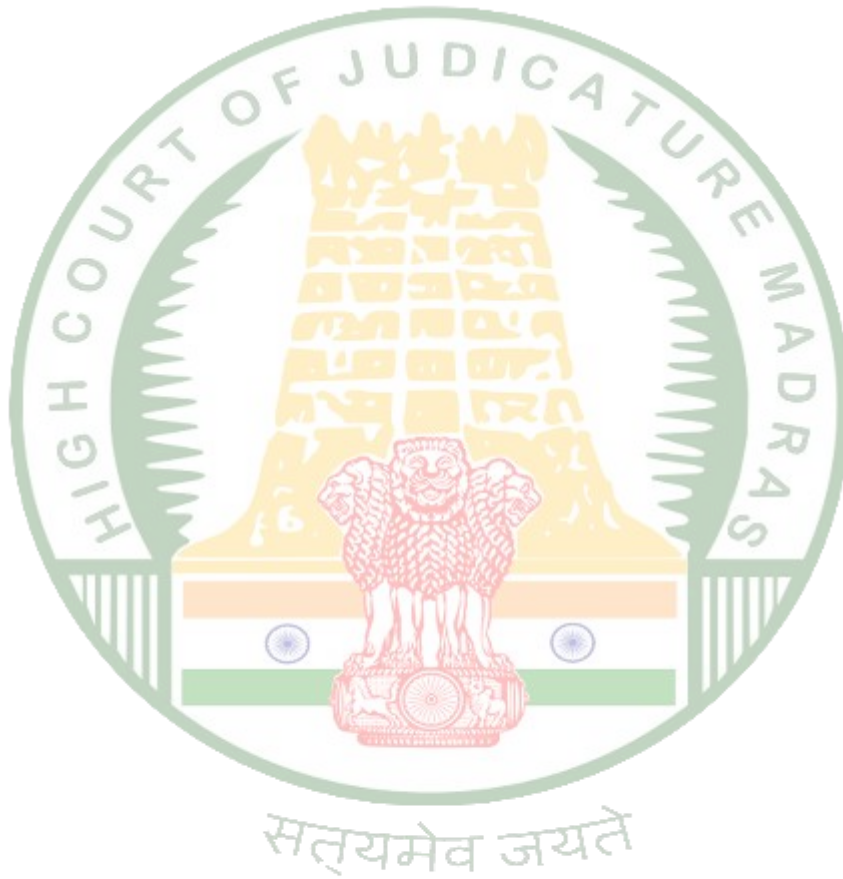
2. The Inspector of Police
Ulundurpet Police Station
Villupuram District

3 The Public Prosecutor
 High Court of Madras
 Chennai 600 104

1 cc to Mr.S. Sithirai Anandan, Advocate, Sr. 33840

Cr1.O.P.No.11935 of 2016

GJ II(CO)
kk 5/7



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