

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.13234 of 2016

and

CrIIMP No.6801 of 2016

1.S.Tamilarasu

2.M.Sitrarasu

3.Somu

...Petitioners

Vs

1.The Inspector of Police,
Valathi Police Station,
Villupuram District.

2.Haridoss

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to FIR in Crime No.117 of 2016 on the file of the 1st respondent and to quash the same.

For Petitioners :Mr.A.Rajesh Kanna

For Respondent :Mr.A.N.Thambi Durai

No.1 Addl. Public Prosecutor (CrI. Side)

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to FIR in Crime No.117 of 2016 on the file of the 1st respondent and to quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor (CrI.side) appearing for the first respondent.

3. It is seen that there is previous enmity between the petitioners and the opposite party, in connection with which, a case in crime No.57 of 2016 has been registered on 07.03.2016 for offence under Section 107 Cr.P.C. While so, in the present case, it is alleged that on 14.04.2016, When Tamilarasu/first petitioner was playing Cricket, the ball hit the motorcycle of the second respondent and the motorcycle was damaged. When it was questioned, it is alleged that Tamilarasu

and his father Sitrarasu and his uncle Somu all joined together and assaulted the 2nd respondent.

4. The learned counsel appearing for the petitioner submitted that the entire case has been foisted, inasmuch as there is no possibility of Sitrarasu and Somu to be present when the alleged incident had taken place.

5. There appears to be some force in the contention of the learned counsel for the petitioners. However, it is seen that the injured Haridoss/2nd respondent was rushed to the hospital, after 108 ambulance was summoned.

6. Taking into consideration the nature of the allegation, the respondent police have registered a case for an offence under Section 324 IPC. In a quash application, this Court cannot go into the disputed questions of fact and therefore, this petition is closed with a direction to the Inspector of Police/ first respondent to take over the investigation in Crime No.117 of 2016 and if it is found that Sitrarasu and Somu were not present in the place of occurrence, it is needless to include them in the final report, if any. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Inspector of Police,
Valathi Police Station,
Villupuram District.

2.The Public Prosecutor,
High Court, Chennai.

+ 1 cc to M/s. A. Rajeshkanna, Advocate Sr.38348

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RP(CO)
Eu 29.7.26