

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.14822 of 2016
and
Cr1.MP.No.7388 of 2016

1.Gnanasekaran
2.Thiyagarajan
3.Nirmal Kumar
4.M.Kotteeswaran

... Petitioners/Accused

Vs

1. The Inspector of Police,
Arcot Taluk Police Station,
Vellore District.

2. Suganraj

... Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the FIR in Crime No.227 of 2013 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.B.Sundara Pandiyan

For Respondents : Mr.C.Emalias [for R1]
Additional Public Prosecutor

सत्यमेव जयते

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.227 of 2013 on the file of the respondent Police.

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

3. On the complaint given by Suganraj, the respondent Police registered a case in Crime No.227 of 2013 on 12.06.2013 for the offences under Sections 294(b), 323, 324, 506(ii) IPC, challenging which the petitioners are before this Court.

4. Mr.B.Sundara Pandiyan, learned counsel for the petitioners submitted that the first petitioner is working in post office and on account of FIR, he has been placed under suspension and his retirement is in the month of March 2017. The learned counsel contended that the FIR does not disclose the commission of any offence as against the first petitioner.

5. On a reading of the FIR, it is alleged by the de facto complainant that Nirmal Kumar (A3), son of Gnanasekaran (A1), owes money to the de facto complainant, and that on 11.06.2013, the de facto complainant and his mother went to the house of the petitioners at around 6.30 p.m. in the evening, and at that time a quarrel ensued, in which it is alleged that the first petitioner abused the de facto complainant and his mother, and Thiyagarajan (A2) [elder son of A1) attacked the de facto complainant with an iron rod, on account of which, the de facto complainant sustained serious injuries.

6. Thus, when there are prima facie materials in the FIR, the same cannot be quashed in the light of the law laid down by the Supreme Court in Bajanlal Vs. State of Haryana [AIR 1992 SC 604].

7. The learned Additional Public Prosecutor submitted that the investigation in this case was completed and final report was filed before the learned District Munsif cum Judicial Magistrate, Arcot on 07.01.2015, and the same was returned for certain compliances.

8. The respondent-Police is directed to re-present the final report before the District Munsif cum Judicial Magistrate, Arcot, within two weeks from the date of receipt of a copy of this order, after complying the returns.

With the above direction, this Criminal Original Petition is closed with liberty to the petitioners to work out their remedies in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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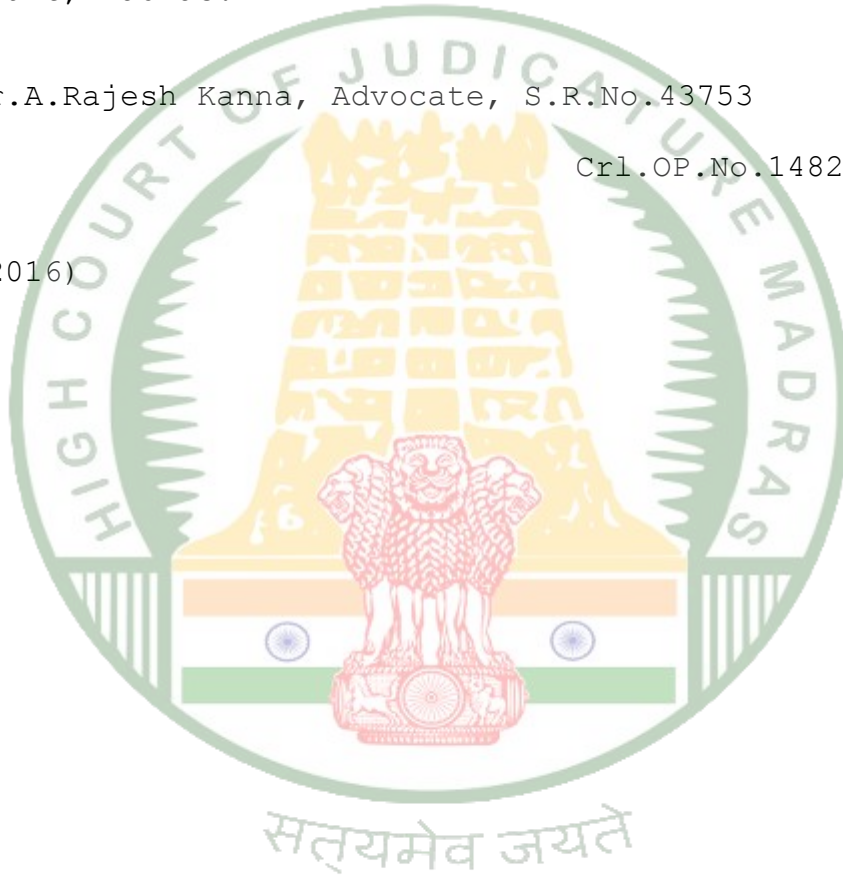
To:

1. The Inspector of Police,
Arcot Taluk Police Station,
Vellore District.
2. The District Munsif cum Judicial Magistrate,
Arcot.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.43753

Crl.OP.No.14822 of 2016

CTK(CO)
CA(23/08/2016)



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