

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.15179 of 2016
and Crl.MP.No.7511 of 2016

Nirmal Kumar .. Petitioner/Accused-1

Vs.

1.State, rep. by
Inspector of Police,
Karunya Police Station,
Coimbatore District.

2.N.Ponnusamy. ... Respondents/Defacto Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.46 of 2015 on the file of the first respondent herein and quash the First Information Report against the petitioner herein.

For Petitioner :Mr.A.Saranraj
For Respondents [R1] :Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to quash the FIR in Crime No.46 of 2015 on the file of the first respondent-Police.

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

3. It is seen that on the complaint given by the petitioner, respondent-Police have registered a case in Crime No.45 of 2015 on 21.09.2015, for the offences under Sections 294(b), 323, 324, 506(ii) IPC against one Manoj, Vignesh and Aravind, and on the complaint given by one Ponnusamy, father of Vignesh, the respondent-Police have registered a case in Crime No.46 of 2015 on 27.09.2015 for the offences under Sections 294(b), 323, 506 (ii) IPC against the petitioner herein.

4. On a reading of both the FIRs, it appears that both the parties had clashed, in which, both of them had sustained injuries. Nirmal Kumar and Vignesh were both admitted in the Government Hospital. But Vignesh was discharged, and he was taking treatment in the private hospital, but, whereas, Nirmal Kumar continued treatment in the Government Hospital. Thereafter, when the Police came to the Government Hospital, they recorded the statement of Nirmal Kumar and registered the statement in Crime No.45 of 2015. Only thereafter, the father of Vignesh has given the present complaint, based on which, the present case in Crime No.46 of 2015 has been registered.

5. In a case of this nature, one FIR cannot be quashed as two persons have been injured, and it is for the police to conduct investigation in both the FIRs, and find out the truth as to who is the aggressor as adumbrated under Police Standing Order 588(A), and the respondent-Police is directed to conduct investigation in both the cases in accordance with law.

With the above direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To:

1.The Inspector of Police,
Karunya Police Station,
Coimbatore District.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.SaranRaj, Advocate Sr.40957

Cr1.OP.No.15179 of 2016

pvs[co]
srg 16/08/2016