



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.06.2017

CORAM:
THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.5351 of 2017
and CrI.M.P. (MD) No.3774 of 2017

Muthusamy : Petitioner/Accused No.1

-Vs-

1.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
Crime No.251 of 2016. : 1st Respondent/Complainant

2.Gnanadhass : 2nd Respondent/
Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the impugned FIR in Crime No.251 of 2016 on the file of the first respondent and quash the same against this petitioner.

For Petitioner : Mr.P.T.Ramesh Raja

For 1st Respondent : Mr.K.Anbarasan
Government Advocate (CrI. Side)

O R D E R

On the complaint lodged by Gnanadhass, the second respondent herein, the first respondent police have registered a case in Crime No.251 of 2016 on 31.12.2016 under Sections 294(b), 323, 324 and 506(ii) I.P.C. against Muthusamy and 3 others, challenging which, Muthusamy is before this Court.

2.Heard Mr.P.T.Ramesh Raja, the learned counsel for the petitioner and Mr.K.Anbarasan, the learned counsel for the first respondent.

3.The learned counsel for the petitioner submitted that this is a case in counter in as much as on the complaint given by the petitioner, the police have registered a case in Crime No.250 of 2016 against the opposite party. He also submitted that there are no materials in the F.I.R. to proceed against the petitioner.

4.Per contra, the learned Government Advocate (Criminal side) appearing for the first respondent on instruction submitted that the defacto complainant suffered injuries including incised



wounds, which shows that weapon has been used in the attack. The learned Government Advocate (Criminal side) also produced wound certificate dated 31.12.2016.

5. Since there are prima-facie materials in the F.I.R. coupled with the fact that the wound certificate discloses incised wound suffered by the defacto complainant, it cannot be said that there are no materials against the petitioner herein.

6. In the result, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.T.RAMESH RAJA, Advocate, SR No. 59159/2017
SJ
PSM/SKN/SAR2/12.06.2017/2P/4C

Order made in
CRL.O.P. (MD) No.5351 of 2017
and CrI.M.P. (MD) No.3774 of 2017
07.06.2017