



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

Crl.O.P.(MD) No.9696 of 2017
and
Crl.M.P.(MD)No.6626 of 2017

Anandaraaj : Petitioner/2nd Accused
-Vs-

1.State represented by
The Inspector of Police,
Panavadalichathiram Police Station,
Tirunelveli District.
In Crime No.79 of 2017 : 1st Respondent / Complainant

2.Shanmugasundaram : 2nd Respondent/De-facto Complainant

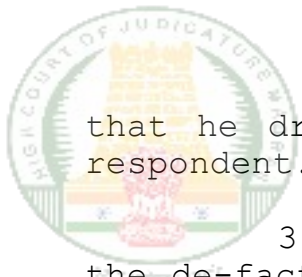
Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to call for the records in FIR in Crime No.79 of 2017, dated 09.05.2017 on the file of the 1st respondent police and quash the same as against this petitioner.

For Petitioner : Mr.M.Ramu
For Respondent 1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)
For Respondent 2 : Mr.T.Indrachithu

ORDER

This petition is filed to quash the FIR in Crime No.79 of 2017, dated 09.05.2017, on the file of the first respondent police as against the petitioner.

2.The petitioner is the second accused and the son of the first accused. On the basis of the complaint given by the second respondent, a case was registered for offences under Sections 294 (b), 324, 307 and 506(ii) of I.P.C. Though the petitioner was stated to be present at the time of occurrence by driving the car, the offence against the first accused was about the overt act by using a sickle. Though the first accused attacked the complainant, it is stated that he prevented the blow of sickle by his hand and as a result, it was only a scratch in his left hand. The wound certificate issued by a Doctor in Government Hospital, Sankarankovil, indicates that the de-facto complainant took treatment only as an out-patient and the injury was a small scratch in his left hand. The only allegation as against the petitioner is



that he drove the vehicle and that he also threatened the second respondent.

3. Having regard to the nature of events and the fact that the de-facto complainant has exaggerated the actual incident as one to attract Section 324, 307 and 506(ii) of I.P.C., this Court is inclined to accept the contention of the petitioner that he has not involved in the offence. It is stated that the petitioner is unmarried and he is seeking employment with Diploma in Engineering. In these circumstances, this Court is of the view that the petitioner is not involved in the offence as no specific case is made as against the petitioner for any of the offences for which the case is registered. Hence, this petition is allowed and the proceedings in Crime No.79 of 2017 pending on the file of the first respondent police is quashed insofar as the petitioner namely the second accused. The criminal complaint can be proceeded further and the first respondent is directed to file a final report within a period of three months from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Panavadalichathiram Police Station,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.RAMU Advocate in SR. No. 77574

SRM

JS/JC/SAR.2/19.09.2017/2P-4C

Cr1.O.P.(MD) No.9696 of 2017
07.09.2017