

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.08.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.19929 of 2018
and CRL.M.P.No.10626 of 2018

C.Padmanaban

.. Petitioner

Vs

1.State Represented by
Inspector of Police,
Kannamangalam Police Station,
Kannamangalam,
Thiruvannamalai District.

2.Malarkodi

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the entire records of the FIR No.194 of 2018 on the file of 1st respondent Police and quash the same.

For Petitioner : Mr.T.Vijayan

For Respondent : Mr.C.Raghavan, GA for R1

O R D E R

सत्यमेव जयते

This Criminal Original Petition has been filed to call for the entire records in FIR No.194 of 2018 on the file of 1st respondent Police and quash the same.

2. It is the case of the petitioner that on the complaint lodged by Malarkodi that her husband Ravi was brutally attacked by two persons at 5.30 a.m. on 25.03.2018, the respondent police have registered a case in Crime No.194 of 2018 on 25.03.2018, under Sections 294(b), 324, 326, 506(ii) and 307 IPC, for quashing which, Padmanaban [A2] is before this Court.

3. Heard the learned counsel for the petitioner/A2 and the learned Government Advocate for the first respondent.

4. Learned counsel for the petitioner/A2 submitted that the name of the petitioner does not figure in the FIR and that in the complaint given by Malarkodi, she had implicated the family of one Damodaran, and the petitioner is not in any way related to the said Damodaran.

5. Per contra, learned Government Advocate produced the case diary which shows that the petitioner has been implicated by Ravi, who was injured.

6. Learned counsel for the petitioner/A2 submitted that the statement of Ravi has been obtained subsequently in order to foist a case on Padmanaban [A2]. On a reading of 161(3) Cr.P.C. statement of Ravi, it is seen that he has clearly stated that Janakiraman/A1 and his brother Padmanaban/A2, came in a motorbike, intercepted and attacked him. He further submitted that at the time of admission in the hospital, Ravi had not disclosed the name of the accused to the doctor.

7. In the opinion of this Court, non-disclosure of the names to the doctor at the time of admission in the hospital by the injured, cannot be held to be fatal in all circumstances. Since there are prima facie materials for the investigation to proceed, the same cannot be quashed at the threshold in the light of the law laid by the Supreme Court in State of Haryana v. Bhajan Lal & Others (AIR 1992 (2) SC 604).

8. Accordingly, this petition is dismissed. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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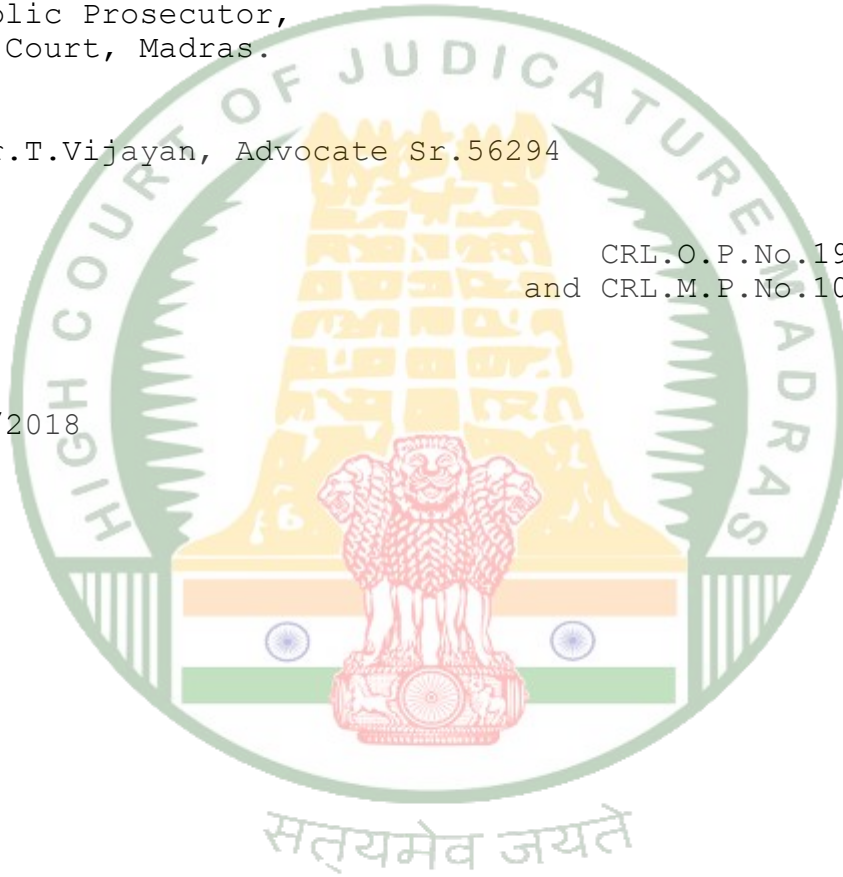
1. The Inspector of Police,
Kannamangalam Police Station,
Kannamangalam,
Thiruvannamalai District.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.T.Vijayan, Advocate Sr.56294

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srg 04/09/2018



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