

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.23438 of 2018 and
CrI.M.P.No. 13168 of 2018

Vengatesan

...Petitioner/Accused

Vs.

1. The Station House Officer,
Mangalam Police Station,
Villianur Circle,
Pudhucherry.

...Respondent/Complainant

2. Elangovan

...Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the FIR in Cr.No.62 of 2018 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Doraiswamy

For R1 : Mr.Bharatha Chakravarthy

Public Prosecutor (Pudhucherry)

O R D E R

This Criminal Original Petition has been filed to call for the records relating to the FIR in Crime No.62 of 2018 on the file of the 1st respondent police and quash the same.

2. On the complaint lodged by the 2nd respondent, the 1st respondent police have registered a case in Crime No.62 of 2018 against the petitioner herein for the offences under Sections 294(b), 324 and 506(ii) IPC, for quashing which, the petitioner is before this Court.

3. Heard Mr.S.Doraiswamy, learned counsel for the petitioner and the learned Public Prosecutor (Pudhucherry), appearing for the 1st respondent police.

4. Mr.S.Doraiswamy submitted that on the complaint given by the petitioner, a case in Crime No.63 of 2018 has been registered against Elangovan, the 2nd respondent herein, for the offences under Sections 294(b), 324 and 506(ii) IPC r/w. Section 34 IPC and therefore, the FIR in Crime No.62 of 2018 is an abuse of process of law, which deserves to be quashed.

5. Per contra, the learned Public Prosecutor (Pudhucherry) refuted the contentions.

6. On a reading of the FIR in Crime No.62 of 2018, it is seen that Elangovan was admitted in the Pudhucherry Government Hospital and while in the treatment, his statement was recorded, based on which, the FIR in Crime No.62 of 2018 has been registered. On a perusal of the allegations in Crime No.62 of 2018 and in Crime No.63 of 2018, it appears that both the parties have suffered injuries.

7. Hence, a thorough investigation has to be done by the police, in order to find out, who is the actual aggressor. When there are prima facie materials in Crime No.62 of 2018, the same cannot be quashed at the threshold.

8. Therefore, this Court directs the Superintendent of Police, in-charge of Mangalam Police Station to monitor the investigation in Mangalam Police Station Crime Nos.62 and 63 of 2018, that is being conducted by the Inspector of Police, Mangalam Police Station and if, during the course of investigation, it is found that the petitioner was not involved in the offence, it is needless to state that further action against the petitioner should be dropped in Crime No.62 of 2018.

With the above direction, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mkn/ssr

To

1. The Superintendent of Police,
(in-charge of Mangalam Police Station),
Puducherry.

2. The Station House Officer,
Mangalam Police Station,
Villianur Circle,
Pudhucherry.

3. The Public Prosecutor, Puducherry.

+lcc to Mr.S.Doraisamy, Advocate SR.NO.68501

+lcc to Government Pleader (Pondicherry) SR.NO.68767

VG-I(CO)

sm:25.10.2018