

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.04.2019

Coram:

The Honourable Dr.Justice G.Jayachandran

Crl.O.P.No.8590 of 2019
and Crl.M.P.No.4574 of 2019

Shanmugaraj

...Petitioner

Vs.

1.The Inspector of Police,
Ammamet Police Station,
Erode District.
(Crime No.212 of 2017)

2.Rajan

3.Annamalai

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records and quash the charge sheet in Crime No.212 of 2017 of Ammapet Police Station in the case in C.C.No.14 of 2018 on the file of the Judicial Magistrate, Bhavani.

For Petitioner : Mr.M.V.Karunakaran
for M/s.K.Vennila

For R1 : Mr.Mrs.Kritika Kamal
Government Advocate(Crl.side)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) for the respondent.

2. This Criminal Original Petition is filed to quash the charge in C.C.No.14 of 2018 on the file of Judicial Magistrate, Bhavani.

3. The contention of the petitioner herein is that he was arrayed as first accused in the said case and the second respondent herein Mr.Rajan is the second accused. Though on 13.06.2017 at about 8.00 p.m., due to the quarrel between the defacto complainant, who was arrayed as third respondent herein and the petitioner and other, there was exchange of blows in the free fight, the petitioner herein has sustained grievous injury and admitted in a private hospital for the fracture sustained by

him. While so, based on the false complaint given by the third respondent/defacto complainant, the Police has registered a case in Crime No.213 of 2017 and filed a final report, which has been taken on file by the learned Magistrate in C.C.No.414 of 2018.

4. From the records, particularly, First Information Report in Crime No.212 of 2017 dated 14.06.2017 ,which is the subject matter of the present petition, this Court finds that one Annamalai has given a complaint alleging that the petitioner herein and the second respondent Rajan due to previous enmity, assaulted the third respondent with trunk stick and caused injuries.

5. It is submitted by the learned counsel appearing for the petitioner that on the same day, the petitioner herein was admitted in the hospital, due to the injury sustained by him, at the hands of the defacto complainant. He has given a statement to the police, while he was in the hospital and the same was recorded. The First Information Report in Crime No.213 of 2017 has been registered. Though the petitioner sustained grievous injury, the police, in Crime No.213 of 2017 had not properly investigated and laid down final report only for lesser offence. Aggrieved by that, he already initiated proceedings under Section 482 Cr.P.C., in CrI.O.P.No.6995 of 2018 to direct the Investigating Officer to conduct further investigation and file final report.

6. In the said circumstances, this Court finds that it is a clear case of fight between two parties, which has led to lodging of two complaints and the same have been taken up for investigation in Ammapet Police Station, Erode. In both the cases, the investigation is completed and final reports were filed and the Court has also taken cognizance of the matter and assigned C.C number.

7. In such circumstances, the prayer of the petitioner herein to quash the case against him is unsustainable. Being a case and counter case, the learned Magistrate is directed to take up trial together and pass appropriate orders.

8. With the above directions, this criminal original petition stands disposed of. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

rpl

To

1.The Judicial Magistrate, Bhavani.

2 -do-through'The Chief Judicial Magistrate, Erode.

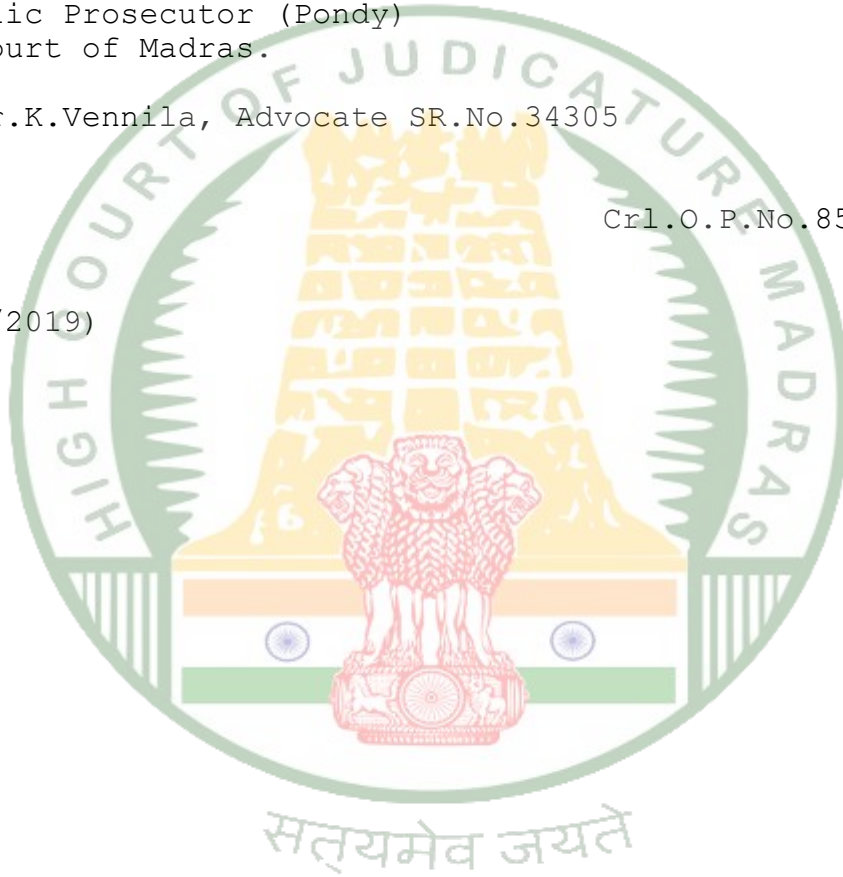
3.The Inspector of Police,
Ammamet Police Station,
Erode District.

4.The Public Prosecutor (Pondy)
High Court of Madras.

+lcc to Mr.K.Vennila, Advocate SR.No.34305

Crl.O.P.No.8590 of 2019

BR(CO)
GMY(30/05/2019)



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