



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. (MD)No.5160 of 2020

and

CrI.M.P. (MD)No.2966 of 2020

WEB COPY

- 1.Kavi Arasu
- 2.Pusparaj
- 3.Poovarasan
- 4.Mohan @ Mohanraj
- 5Nithyanantham
- 6.Saravanan
- 7.Gopal @ Rajagopal
- 8.Dhinesh
- 9.Karunakaran
- 10.Vinoth

... Petitioners/Accused 1 to 10

Vs.

- 1.The State represented by
Through the Inspector of Police,
Jambunathapuram Police Station,
Trichy.
Crime No.8 of 2020.

- 2.Vimal Raj ... Respondents/Defacto Complainant

PRAYER : Petition filed under Section 482 of Criminal Procedure Code, to quash the First information Report in Crime No.8 of 2020 on the file of the first respondent police.

For Petitioner : Mr.A.Haja Mohideen

For R1 : Mr.A.Robinson
Government Advocate (CrI.side)

ORDER

One Vimal Raj was admitted as inpatient in Government Hospital, Musiri on 20.01.2020, for the injuries sustained by him in an attack. While he was admitted as inpatient, he gave a statement to the Sub Inspector of Police giving the names of persons who had brutally attacked him. Based on the said statement, the police registered an First Information Report in Crime No.8 of 2020 on 20.01.2020 under Sections 147, 294(b), 341, 323, 324 and 506(ii) of IPC against the petitioners herein. For quashing which this petition has been filed.



2.Heard Mr.A.Haja Mohideen, learned counsel for the petitioners.

3. Mr.Haja Mohideen, learned counsel for the petitioner submitted that the petitioners also sustained injuries and submitted the medical records in support of his contentions. It is seen that on the complaint given by Gowri, the sister of Kavi arasu, the first petitioner, the police have registered a case in Crime No.9 of 2020 under Section 147, 294(b), 323, 324, 506(i) of IPC and Section 4 of Women harassment Act against Vimalraj and five others.

4.It may be necessary to state here that Vimal raj, A1 in Crime No.9 of 2020 is the defacto complainant in Crime No.8 of 2020. On a reading of the First Information Report in CrimeNo.8 of 2020, Vimal Raj has named the petitioners as his assailants. When there are prima facie materials for the First Information Report, the same cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in the case of State of Haryana Vs Bhajan lal reported in 1992 Supp (1) SCC 335. It is always open to the police to conduct investigation in both the cases namely Crime No.8 of 2020 and Crime No.9 of 2020 in accordance with law, in order to find out the truth.

5.In such view of the matter, this petition is dismissed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pnn

To

1.The Inspector of Police,
Jambunathapuram Police Station,
Trichy.

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

Cr1.O.P. (MD)No.5160 of 2020
24.03.2020

VB (19.06.2020) 2P 3C