



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.O.P.(MD).No.6573 of 2020

and

Crl.M.P.(MD)No.3341 of 2020

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- 1.Hariesh
- 2.George Edward
- 3.Giridharan
- 4.Sabarishan
- 5.Santhosekumar

: Petitioners/Accused 1 to 5

Vs.

- 1.The State represented by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(In Crime No.441 of 2020)

: 1st Respondent/Complainant

- 2.Viswanathan (Advocate) : 2nd Respondent/De-Facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records of the F.I.R. in Crime No.441 of 2020 on the file of the first respondent, dated 09.05.2020 and quash the same as illegal.

For Petitioners : Mr.K.Chengiz Khan

For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor
for R1

ORDER

This petition has been filed to call for the records of the F.I.R in Crime No.441 of 2020 on the file of the first respondent dated 09.05.2020 and quash the same as illegal.

2. The learned counsel for the petitioners submits that due to previous enmity with the first petitioner, a false case has been registered against the petitioners as if they assaulted the defacto complainant with a liquor bottle. If the defacto complainant suffered an injury on account of that incident, he would have taken treatment in any hospital, but there is no accident register copy in this case and that no deadly weapon has been used. From the First Information Report, no *prima facie* case is made out as against the petitioners. Hence, he seeks for quashment of the F.I.R.



3. The learned Additional Public Prosecutor, on instructions, submits that the defacto complainant is a practising Advocate and on his way the petitioners who were consuming liquor, picked up quarrel and attacked the defacto complainant by a liquor bottle.

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4. The petitioners sought to quash the First Information Report on the ground of non-availability of Accident Register. Accident Register is a document to be collected during the course of investigation and that cannot be a ground for quashing the First Information Report. Moreover, the liquor bottle used in this case is also a deadly weapon, which could cause fatal injuries. The grounds raised by the petitioners in support of this petition are not tenable to entertain this petition. Accordingly, this Criminal Original petition is dismissed. Consequently, the connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn/ssl

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
Kulithalai Police Station,
Karur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) .No.6573 of 2020
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