



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11635 of 2020

and

Crl.M.P. (MD)No.5315 of 2020

WEB COPY

1.Seenivasagam
(Wrongly mentioned in the FIR Seenivasan)

2.Esaikkimuthu

3.Vinayagam

4.Kalieswari

5.Karuppasamy

6.Petchiammal

7.Samynathan

... Petitioners/A1 to A7

Vs

1.The State Rep. by,
The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
(Crime No.49 of 2020)

2.Vairamuthu

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the First Information Report in Crime No.49 of 2020, dated 24.02.2020 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.Ganeshkamu

For R1 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

Heard the learned counsel on either side.

2.This Criminal Original Petition has been filed for quashing the impugned FIR in Crime No.49 of 2020 registered on the file of the first respondent for the offences under Sections 147, 148, 294 (b), 323 and 506(2) of IPC.



3.It is seen that Crime No.48 of 2020 was registered at the instance of the second petitioner herein namely Esakki Muthu. Crime No.49 of 2020 which is the impugned FIR appears to have been registered as a counter blast. Be that as it may, when consideration of the contentions raised by the petitioner would involve going into the factual aspects, such a course of action is impermissible, while exercising jurisdiction under Section 482 of Cr.P.C., The points urged by the petitioner's counsel are matters for investigation. Therefore, at this stage, I cannot grant relief. This Criminal Original Petition is dismissed. I make it clear that I have not gone into the merits of the matter. The petitioner's rights and defences are left open. It is, of-course, open to the petitioners to come again before this Court, if the occasion warrants, in future. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

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,
Thalavaipuram Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.GANESH KUMAR, Advocate (SR-20878[F] dated 03/11/2020

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PM(CO)

NR (14/12/2020) 2P : 4C

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