

Crl.O.P.No.13748 of 2021

M.NIRMAL KUMAR.,J

This matter is posted today before this Court under the caption
“For Being Mentioned.”

2. Heard the learned counsel on either side.

3. In Para No.8 of the dated 10.08.2021 by which the Criminal Original Petition was allowed the Crime Number has been wrongly mentioned as Crime No.118 of 2021 instead of Crime No.448 of 2021. Hence, the Registry is directed to incorporate the necessary correction with regard to the Crime Number in Para No.8 of the order and issue a fresh copy of the order.

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20.09.2021

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20.09.2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No13748 of 2021

1. Gandhimathinathan
2. Viswanathan
3. Sagarnathan
4. Baskar
5. A. Ajith

... Petitioners

Versus

1. State rep. by
The Inspector of Police,
Vellavedu Police Station,
Thiruvallur District.
(crime No.448 of 2021)

2. Vimal

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to pending investigation in Crime No.448 of 2021 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S. Sasikumar+

For Respondents : Mr. A. Damodharan,
Government Advocate (crl. side)
for R1
: Mr. S. Thiyagarajan,
for R2

ORDER

This Criminal Original Petition has been filed to quash the case in Crime No.118 of 2021 on the file of the respondent police.

2. The petitioners, who are accused in Crime No.448 of 2021, has filed this quash petition. The 2nd respondent/defacto complainant had lodged a complaint to the respondent police on 13.07.2021 and a case in Crime No.448 of 2021 for the offence under section 147, 148, 294(b), 307 IPC came to be registered.

3. The gist of the complaint is that on 12.07.2021 at about 5.00 p.m., the defacto complainant and others had come to a road side eatery shop. At that time, one person enquired them, from where they hail from. The defacto complainant informed that they are from Trichy District and they had come there to work in scrap yard. Some offensive words uttered, at that time, wordy quarrel arose between them. Thereafter, at about 7.30 p.m., the petitioners along with some more persons came there armed with Aruval, attacked the father of the defacto complainant. Thereafter, with the aid of 108 Ambulance, the victim was taken to the Government Hospital and taken treatment and the case came to be registered.

4. The contention of the petitioners is that the first petitioner now recently discharged from the Army, residing with his family members and carrying on Tiles

business. He has 3 brothers, namely, petitioners 2 to 4. The 2nd petitioner is working in a factory in Poonamallee, and the 3rd petitioner is into Real Estate Business and the 4th petitioner is yet get married and the 5th petitioner is the driver of the first petitioner. On the fateful day, since the petitioner questioned the defacto complainant and others, who are strangers to the place, creating disturbance in the eatery and were in an unruly behaviour, they were questioned leading to exchange of words. Since the petitioners questioned the pollution and noise created in the scrap yard earlier, the petitioners now falsely implicated. The respondent police filed a false case, as if the petitioners and others with deadly weapons had attacked the defacto complainant. It was only exchange of blows between both and thereafter, the defacto complainant got admitted in the hospital, later discharged. When the bail application was filed, the defacto complainant and his father had appeared and gave no objection. Thereafter, at the intervention of the village elders, now, the defacto complainant, the victim and the petitioners arrived at a compromise and filed an affidavit to that effect.

5. The defacto complainant also appeared today through Video Conferencing confirmed that his father is now healthy and residing in his native place. Further both have no objection to quash the First Information Report.

6. The learned Government Advocate (crl. side) appearing for the first

respondent confirms the same and submitted that the petitioners have no previous case. The fight had arose due to heat of passion.

7. Considering the fact that heated arguments turned to be free for all the exchange of blows and now resolved, there is no grievance between them, further no public disturbance or any law and order issues, this Court is inclined to quash the case in Crime No.448 of 2021 on the file of the respondent police.

8. Accordingly, this Criminal Original Petition is allowed and the case in Crime No.118 of 2021 on the file of the respondent police is hereby quashed.

10.08.2021

Index: Yes/No
Internet: Yes/No
mrp

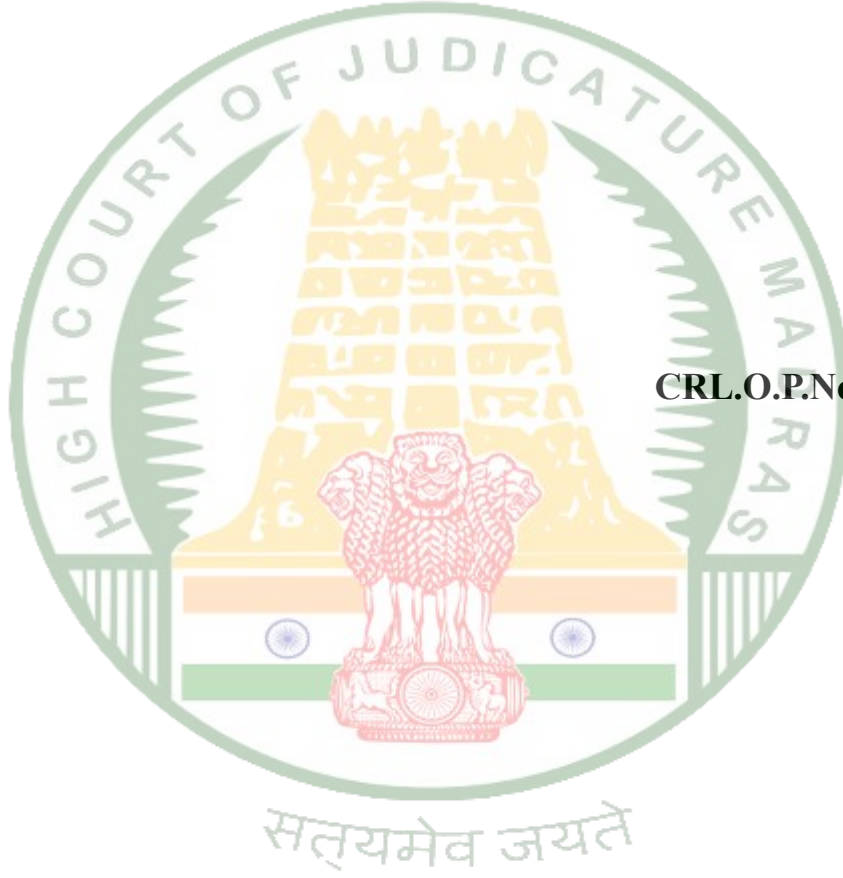
Note : Issue order copy on 13.09.2021
To

1. The Inspector of Police,
Vellavedu Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court, Madras

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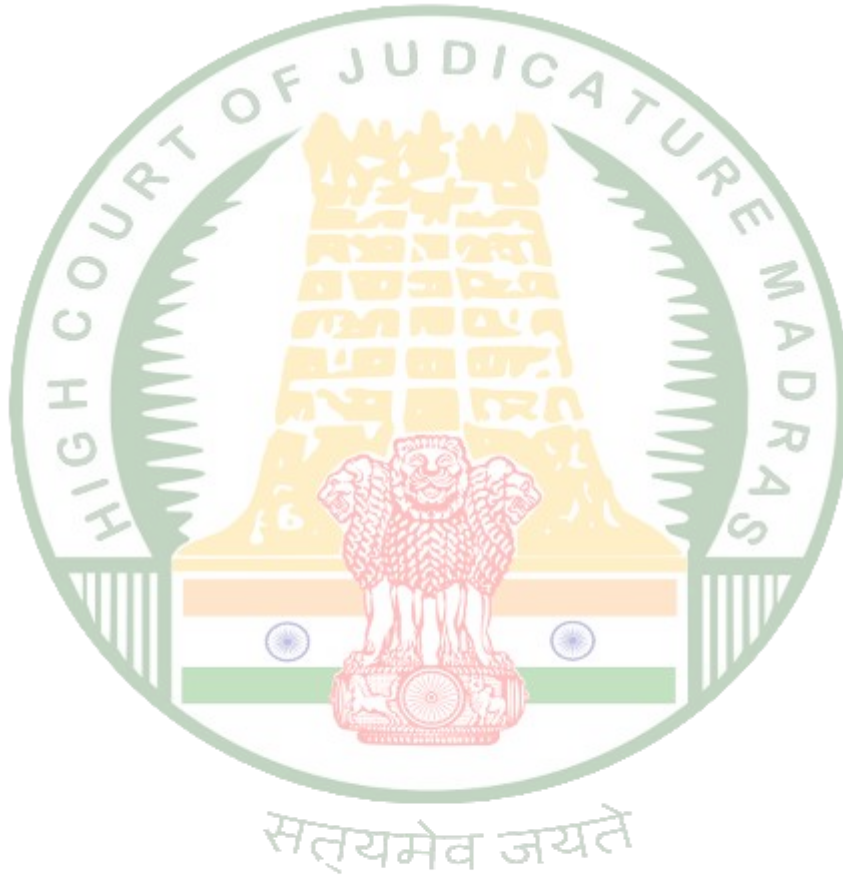
M.NIRMAL KUMAR, J.

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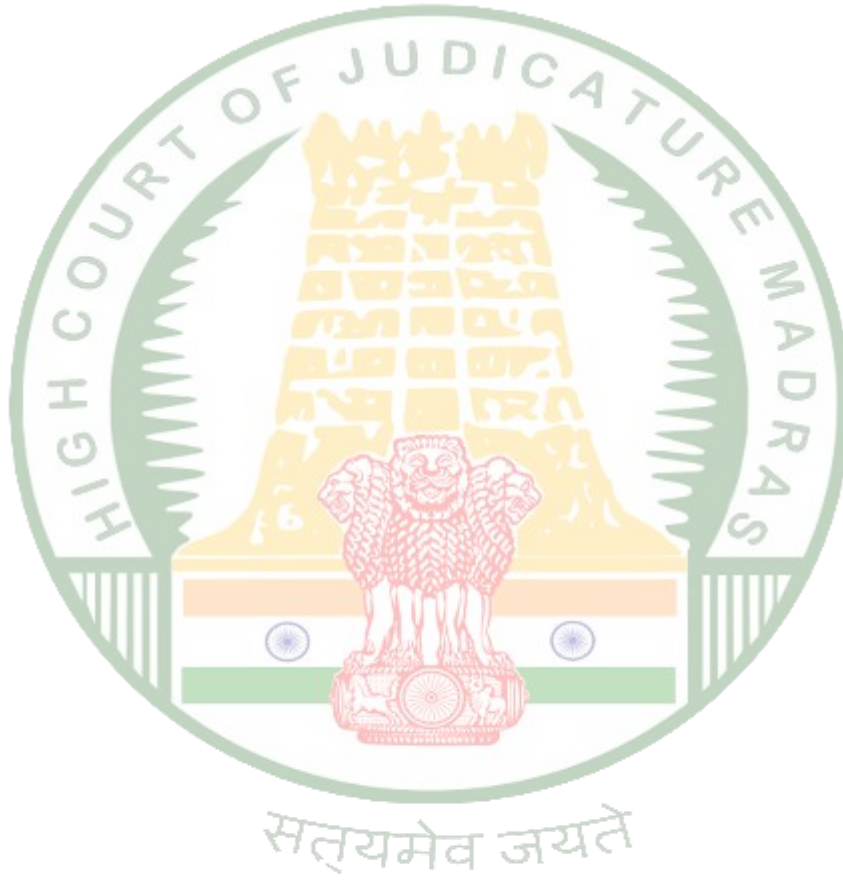


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