



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17017 OF 2021

AND

CRL.M.P.NO.9312 OF 2021

1.Krishna Singh
2.Meera Bai
3.Shalini @ Lakshmi Bai ... Petitioners/Accused 1 - 3

.Vs.

1. State Rep. by
The Inspector of Police,
Dhavantri Nagar (D.Nagar) Police Station,
Puducherry,
(Crime No.139/2021) ... Respondent/Complainant

2. Anu ... 2nd Respondent/Defacto Complainant

PRAYER:

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records leading to the registration of the First Information Report in Crime No.139/2021, on the file of the respondent police and quash the same.

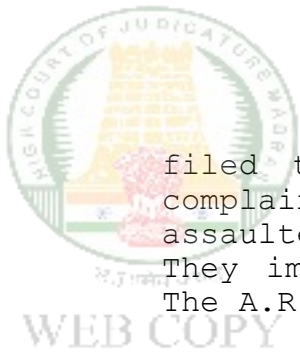
For Petitioners : Mr.Prakash Adiapadam

For R1 : Mr.D.Bharathachakravathy,
Public Prosecutor (Puducherry)

O R D E R

This Criminal Original Petition is filed to call for the records leading to the registration of the First Information Report in Crime No.139/2021, on the file of the respondent police and quash the same.

2.The petitioners are accused in Crime No.139 of 2021, pending on the file of the first respondent police, for the offence under Sections 294(b), 323, 324, 506(ii) & 34 IPC have



filed this quash petition primarily on the ground that the complainant and her husband are the aggressors, who had assaulted the petitioners and the petitioners sustained injury. They immediately taken to the Government Hospital, Puducherry. The A.R. copy is produced.

3.From the A.R. Copy dated 16.08.2021, it is seen that at about 07.50 p.m. the first and the third petitioners had gone to the Hospital and thereafter on the same day, i.e. on 16.08.2021, the third respondent was taken to the JIPMER Hospital, Puducherry, for further treatment. Followed by, the complaints dated 17.08.2021, 18.08.2021 and 19.08.2021, had given by the petitioners, but no action has been taken. The defacto complainant, being an aggressor, who had assaulted the petitioners had projected the case, as though the petitioners are the assailants. The First Information Report in this case had registered only on 22.08.2021, six days after the occurrence.

4.The learned Public Prosecutor (Puducherry) submits that the points raised by the petitioners are not the points for consideration in a quash petition. They are to be decided during trial. The complaint of the petitioner can be considered after verifying the genuineness of the complaint, First Information Report would be registered and both the case investigated together. Except for the copy of the complaint, no proof produced to show that complaint was submitted.

5.He further submits that the petitioners are in the nature of lodging complaint against his neighbours. Earlier for the similar nature a case in Crime No.135 of 2018 registered against another neighbour. From the A.R. Copy, it is seen that there is nothing serious, except to show that there was a mild abrasion sustained by the petitioners and nothing more, the Government Doctor Puducherry had prescribed paracetamol, which is a common medicine, which is given as pain killer. The third petitioner had gone to the Puducherry Government Hospital, thereafter had gone to the JIPMER Hospital, Puducherry, it is again the same treatment prescribed and nothing more.

6.Heard the learned counsel appearing for the petitioners and learned Public Prosecutor.

7.Considering the submissions and on perusal of materials, this Court is of the view that the petitioners have to produce contemporary documents to the respondent police, thereafter the respondent police is directed to verify the genuineness of the documents. If satisfied, finding commission of cognizable offence, First Information Report can be registered.



8. With the above said observations, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Dhavantri Nagar (D.Nagar) Police Station,
Puducherry,
2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.E.Anbarasan, Advocate, S.R.No.51647

CrI.O.P.No.17017 of 2021
CrI.M.P.No.9312 of 2021

RR(CO)
CS/20/10/2021