



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.18813 of 2021
and Crl.M.P.No.10356 of 2021

1. Kannan

2. Ilango ... Petitioners/Accused A1 & A2

Versus

1.The State

Rep by The Inspector of Police,
F3 Nungambakkam,

Chennai - 600 034. ...1st Respondent/Complainant

2.P. Thangaraj ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the same in C.C.No.1577 of 2020 in Crime No.696 of 2019 on the file of the XIV Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner : Mr.J.Lingeswaran.

For Respondent : Mr.A.Damodaran.
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to call for the records and quash the same in C.C.No.1577 of 2020 in Crime No.696 of 2019 on the file of the XIV Metropolitan Magistrate Court, Egmore, Chennai.

2.The Petitioners, who are A1 and A2 in C.C.No.1577 of 2020 for offense under Sections 249(b), 341, 323, 324, 427, 506(ii) of IPC has been filed this petition.

3.The contention of the petitioners is that the petitioners have been falsely implicated in this case. There is some dispute with regard to the petitioners and the defacto complainant, for which, motive false complaint has been lodged.



The respondent police has not properly investigated the case and filed final report. In view of the same, this case would squarely fall under the guidelines issued by the Hon'ble Supreme Court of India in the case of STATE OF HARIYANA VS. BHAJANLAL reported in 1992 SCC Cr1.426, wherein finding that the case is highly improbable, motive filed to spite vengeance, further continuing with the prosecution of the case would amount to abuse of process of this Court. He further submitted that in all probabilities the case is observed as inherently improbable on the version of taking the statement of the witnesses as a whole. He further submitted that the evidence of P.W-1 to P.W-6 are parrot like version, which would come to show that the respondent police have not conducted any investigation and it is only a table top investigation. In view of the same, he had prayed for quashing of the charge sheet.

4.The learned Additional Public Prosecutor submitted that on 03.06.2019 at about 06.30 p.m., the petitioners A1 and A2 had joined together, restrained L.W-1, abused and assaulted him, using an iron rod and further L.W-1 was pushed out and he was injured and lodged a complaint. The assault was witnessed by L.W-2 to L.W- 6. Thereafter, the police had registered a complaint and the respondent police visited the scene of occurrence, prepared observations mahazar and recorded the statements of witness and filed a final report listing L.W-1 to L.W-11. The Lower Court on perusal of the materials found that prima facie was made out and had issued summons. The points raised by the petitioners are disputed and to be decided only during the trial.

5.Considering the submissions and on perusal of materials, it is seen that in a case prosecuted by the police, there is no question of motive and it cannot be taken as a ground. Further, L.W-1 is an injured person, and the assault on LW.1 has been witnessed by L.W-2 to L.W-6. All the witnesses have clearly corroborated the statements of each other. The points raised by the petitioners are improbable, motive and parrot like version, which are factual in nature and the same is to be decided during trial and not in a quash petition. In view of the same, this Court is not inclined to allow this Criminal Original Petition.

6.Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar



skr/ah

To

1.The XIV Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police,
F3 Nungambakkam,
Chennai - 600 034.

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.J.Lingeswaran, Advocate Sr No.55926

Cr1.OP.No.18813 of 2021

PVS (CO)
PR (02/11/2021)