

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19868 of 2021
and Crl MP No.10165 of 2019

1. Dharuman
2. Kodyappan
3. Rajamma

.. Petitioners

Vs.

- 1 THE STATE REPRESENTED BY
THE SUB-INSPECTOR OF POLICE,
VEPPANAPALLI POLICE STATION, KRISHNAGIRI DISTRICT,
(REF. CRIME NO.27/2018 DATED 09.02.2018).
- 2 SIVA KUMAR
S/O.MR.DHORLIYAPPA, CHITTAPURAM ,
KURIYANAPALLI VILLAGE AND POST, KRISHNAGIRI.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to
call for the records and quash the proceedings in C.C.No.45/2018 on
the file of the Judicial Magistrate No.II, Krishnagiri for offences under

<https://www.mhc.org.in/judis/> Sections 294(b) 324 and 506(ii) of IPC.

For Petitioner : Mr.C.Arun Kumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1
R2 - No appearance

ORDER

This petition has been filed to quash the proceedings in C.C.No.45/2018 pending on the file of Judicial Magistrate No.II, Krishnagiri.

2. It is seen from records that there was a case and counter and based on the complaint given by the 2nd respondent, an FIR came to be registered in Crime No.27 of 2018 against the petitioners and based on the complaint given by the 1st petitioner, an FIR came to be registered against the 2nd respondent and others in Crime No.26 of 2018. Both the FIRs were registered for an offence under Section 294(b), 324 ad 506(ii) IPC.

3. The respondent police after investigation has filed a final report in both the FIR's and the same has been taken cognizance by the Court below in C.C.No.45 of 2018 and 43 of 2018, respectively.

4. Heard the learned counsel for the petitioner and Mr.Mohammed Riyaz, learned Additional Public Prosecutor appearing on behalf of 1st respondent. The name of the 2nd respondent has been printed in the cause list and there is no representation either in person or through counsel.

5. The main ground that has been raised by the learned counsel for the petitioner is that insofar as the incident against the petitioners, the same is inherently improbable and it was a counter blast for the earlier complaint given by the 1st petitioner. The learned counsel further submitted that the respondent police did not properly investigate both the FIRs in line with police standing orders.

6. A careful reading of both the final reports filed by the respondent police clearly reveals the fact that no attempt has been made by the respondent police to identify the actual aggressor in the present case. The investigation has been conducted in a perfunctory manner and the final report has been mechanically filed in

both the complaints. Therefore, the final report filed in both the complaints are liable to be interfered by this Court. Useful reference can be made to the judgment of this Court in ***[Kumar and others Vs. State by Inspector of Police, Rasipuram Police Station, Namakkal District and another]*** in 2019 4 MLJ CrI 445 and 2019 2 LW CrI 949.

7. In view of the above, this Court has absolutely no hesitation to interfere with the proceedings before the Court below and accordingly, the proceedings in both CC No.45 of 2018 and 43 of 2018 is hereby quashed. Accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

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Index :Yes/No
Internet:Yes/No
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1. The Judicial Magistrate No.II, Krishnagiri
2. THE STATE REPRESENTED BY
THE SUB-INSPECTOR OF POLICE,
VEPPANAPALLI POLICE STATION, KRISHNAGIRI DISTRICT,
(REF. CRIME NO.27/2018 DATED 09.02.2018).
3. The Additional Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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