



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO.10970 OF 2017

AND

CRL.M.P.NO.7222 OF 2017

1.N.E.Kumar
2.Kannan
3.Aravinthan

...Petitioners

Versus

1.State rep by
The Inspector of Police,
Fairlands Police Station,
Salem District.
Crime No.152/2017

2.V.Pradeep Kumaran

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.152 of 2017 on the file of the respondent Police and quash the same.

For Petitioners : Mr.N.R.Elango Senior Counsel
for Mr.G.R.Deepak

For Respondents : Mr.R.Kishore Kumar
Govt.Advocate (Crl.Side) for R1

: Mr.S.Karthikeyan for R2

O R D E R

This Criminal Original Petition has been filed to quash the final report in Crime No.152 of 2017, filed against the accused for the offences punishable under Sections 147, 294(b), 447, 323, 506(ii) IPC, pending on the file of the respondent Police.

2. Heard Mr.N.R.Elango, learned Senior Counsel for Mr.G.R.Deepak, counsel for the petitioner, Mr.R.Kishore Kumar, learned Government Advocate (Criminal Side) for the first respondent and Mr.S.Karthikeyan, learned counsel for the second respondent.



3. The learned Senior Counsel appearing for the petitioners submitted that the entire First Information Report is a motivated one and at the time of remand, the learned Judicial Magistrate has not even noted the external injuries. Learned Magistrate exercised jurisdiction not to remand the accused. After that, wound certificate was taken from the very hospital, which was owned by the de facto complainant. Therefore, this complaint is a motivated one and the First Information Report has to be quashed.

4. The allegations in the First Information Report would indicate that the accused waylaid the de facto complainant on the road, abused him and attacked him and in order to escape, he went and admitted in hospital and only security guards saved him. At this stage, whether the wound certificate is fabricated or not cannot be gone into at this stage.

5. In such a view of the matter, this Court is of the view that, quashing of Crime No.152 of 2017 cannot be considered at this point of time. Accordingly, this Criminal Original Petition is dismissed. As the allegations are serious in nature, this Court is of the view that further investigation to be conducted and monitored by the Officer not below the rank of the Deputy Superintendent of Police, Asthampatti and the investigation should be monitored by the Assistant Commissioner of Police and file a final report. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

psa/mvs

To

1. Deputy Superintendent of Police,
Asthampatti, Salem.
2. The Inspector of Police,
Fairlands Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.10970 of 2017

CP(CO)
RVM(28/12/2021)