



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 16.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.11847 of 2017
and
Crl.M.P.Nos.7767 and 7768 of 2017

K.Murugan . . . Petitioner / Accused No.5

Versus

1.State Rep by
The Inspector of Police
Tirukoilur Police Station
Villupram District
Crime No.77 of 2016 . . . Respondent / Complainant

2.Govindan . . . Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C. No.109 of 2017 on the file of learned Judicial Magistrate, Tirukoilur against the petitioner and quash the same.

For Petitioner : Mr.H.Rajesh

For Respondents : Mr.S.Vinoth Kumar
Govt. Advocate(Crl. Side) for R1

Mr.S.Viajyaganesh for R2

ORDER

This is an application filed under Section 482 Cr.P.C. to quash the final report in C.C. No.109 of 2017, filed against the accused for offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, on the file of the learned Judicial Magistrate, Tirukoilur.

2. The crux of the charge is that on 14.02.2016, around 8.00 p.m, in a dispute over the drainage there arose an altercation, all the accused attacked the witnesses and the injured, thereby



the petitioner and others committed an offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC.

3. The main contention of the learned counsel appearing for the petitioner is that there is a contradiction in the First Information Report and the statements and one of the names of the accused, is also not correct. Therefore, the entire final report has to be quashed.

4. At the outset, I am unable to persuade myself to accept the contention of the learned counsel appearing for the petitioner, as it is a matter of evidence. First Information Report and the contradictions in the statements have to be seen only in trial Court and not by this Court, while exercising the power under Section 482 Cr.P.C.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected criminal miscellaneous petitions are closed. However, the learned Judicial Magistrate, Tirukoilur, is directed to expedite the trial and dispose of the main case, within a period of four(4) months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

psa/asr

To

1. The Judicial Magistrate,
Tirukoilur.
2. -do through- The Chief Judicial Magistrate,
Villupram District.
3. The Inspector of Police
Tirukoilur Police Station
Villupram District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.H.Rajesh, Advocate, S.R.No.67350

Cr1. O.P. No.11847 of 2017

SRA[co]
NSK 04/01/2022