



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO. 23400 OF 2017

AND

CRL.M.P.NOS.13626 AND 13627 OF 2017

M.Suresh

. . . Petitioner/
Accused

Versus

1.The State of Tamilnad, rep by
Inspector of Police,
Thiruvottiyur Police Station,
Chennai 600019.

... 1st Respondent/
Complainant

2.A.Peer Fathima

... 2nd Respondent/
Defacto Complainant

PRAYER :

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records pertaining to C.C.No.121 of 2017 on the
file of the judicial Magistrate, Thiruvottiyur and quash the
same.

For Petitioners : Mr.A.Santhana Sinakarthan

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

: No appearance for R2

ORDER

This Criminal Original Petition has been filed to quash the
criminal proceedings in C.C.No.121 of 2017 on the file of the
Learned judicial Magistrate, Thiruvottiyur, which was filed
against the accused for offences under Sections 341, 323 and 324
IPC.

2. The crux of the prosecution story, is that at 10.30 a.m
on the date of occurrence on 17.08.2016, there arose dispute



over parking of two wheeler, which resulted in causing injuries on the de-facto complainant.

3.The main contention of the learned counsel appearing for the petitioner is that, on the same day a complaint was given by the accused against the father of the de-facto complainant, which resulted in final report in C.C.No.120 of 2017. This complaint is a counter-blast. Therefore, the entire proceedings have to be quashed.

4.At the outset, I am unable to accept the contention for the reasons that the final report filed indicating that there are materials available to proceed against the accused, whether or not an incident or occurrence has taken place is a matter of evidence. In such view of the matter, at this stage the court cannot assume the role of the trial Court to give a finding as to which version is true.

5.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed. The trial court is directed to conduct both the cases, namely C.C.No.120 of 2017 and C.C.No.121 of 2017 simultaneously, and dispose both the matters simultaneously.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

psa/asr

To

1. The judicial Magistrate,
Thiruvottiyur.
2. The Inspector of Police,
Thiruvottiyur Police Station, Chennai 600019.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Santhana Sinakarthan, Advocate, S.R.No.65198

Cr1. O.P. No. 23400 of 2017

GPL(CO)
PM/27/12/2021