



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.11288 of 2021

and

Crl.M.P.(MD)No.5756 of 2021

WEB COPY

- 1.Veerasamy
- 2.Saravanakumar
- 3.Vadivel
- 4.Shanmugavel @ Settu
- 5.Kuzhandhaivel
- 6.Thamizhazhagan
- 7.Balu

... Petitioners / Accused 1 to 7

Vs.

- 1.The State represented by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
(Crime No.151 of 2021)

... 1st Respondent / Complainant

- 2.J.Infant Raja

... 2nd Respondent / Defact
Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to quash the FIR in Crime No.151 of 2021 dated 28.04.2021 on the file of the first respondent.

For Petitioners : Mr.K.R.Manimaran

For Respondents : Mr.E.Antony Sahaya Probahar

Additional Public Prosecutor for R1

Mr.D.Shanmugaraja Sethupathi for R2

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.151 of 2021 registered on the file of Vaiyampatti Police Station, Trichy, for the offences under Sections 147, 148, 294 (b), 323 and 506 (2) IPC.

2. The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to quash the impugned FIR.

3. Per contra the learned Additional Public Prosecutor for the

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first respondent and the learned counsel appearing for the defacto complainant submitted that no case for quashing has been made out.

4. I carefully considered the rival contentions and went through the material on records.

5. It is seen that at the instance of the second petitioner herein, Crime No.142 of 2021 has been registered. The case on hand appears to be a counter case. It is for the prosecution to ascertain who was the real aggressor and arrive at the truth. Since the offence under Sections 323 IPC is also involved, consideration of the contentions of the learned counsel appearing for the petitioner, would involve embarking on a factual probe. Under Section 482 Cr.P.C, I cannot do so. Leaving open the petitioners' defences and contentions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-38069[F]
dated 09/12/2021)

**Crl.O.P. (MD)No.11288 of 2021
and Crl.M.P. (MD)No.5756 of 2021
08.12.2021**

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