



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2021

CORAM :

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CrI.OP.(MD)No.13145 of 2020 &

CrI.MP(MD)No.5998 of 2020

WEB COPY

Marishwaran

... Petitioner/A6

vs.

1.State, through

The Inspector of Police,
Kallikudi Police Station,
Madurai District.

(Crime No.56 of 2017)

... Respondent / Complainant

2.Nilamudin

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.56 of 2017 in respect of the petitioner/Accused No.6 pending investigation on the file of the first respondent and quash the same.

For Petitioner

: Mr.S.Muniyandi

For R1

: Mr.A.Robinson

Government Advocate (Criminal side)

For R2

: Mr.G.Chandrasekar

ORDER

The present petition is filed to quash the First Information Report in Crime No.56 of 2017 on the file of the first respondent on the following grounds: (i) The offences under Sections 294 (b), 323 and 506 (ii) of Indian Penal Code are not attracted in the instant case and (ii) The petitioner was not present at the time of occurrence.

2. Heard Mr.A.Robinson, learned Government Advocate (Criminal Side) for the first respondent and Mr.G.Chandrasekar, learned counsel for the second respondent.

3. It is settled law that the First Information Report and the consequent investigation cannot be quashed unless there is no offence spelt out on the basis of the allegations alleged and there is no question of considering the merits of the allegations contained in the First Information Report at this stage or testing the veracity of the allegations. In the instant case, the contention of the petitioner is that the offences under Section 294 (b), 323 and 506 (ii) of Indian Penal Code are not at all attracted and the petitioner was not present at the time of occurrence. Since, the



complaint prima facie discloses cognizable offences, the first respondent police cannot be found fault with for registering the First Information Report.

4. In the result, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. However, the respondent police is directed to expedite the investigation and file a final report / referred charge sheet, as the case may be within a period of one month from the date of receipt of a copy of this order / uploading of the order.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Kallikudi Police Station,
Madurai District.

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

+1 CC to M/s.G.CHANDRA SEKARAN, Advocate (SR-1514[F] dated
21/01/2021)

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(MA) CO
AP(10/02/2021) 2P 4C