



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.09.2021**

CORAM

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P(MD)No.14344 of 2021

and

Crl.M.P.(MD)No.7508 of 2021

WEB COPY

Vimal @ Sahaya Arul Vimal ... Petitioner/Accused No.5

Vs.

1.State Represented by

The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

(Crime No.356 of 2020)

... 1st Respondent/Complainant

2.Kennedy

... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in relating to the impugned First Information Report in Crime No.356 of 2020 on the file of the first respondent police and its consequential proceedings and to quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.M.S.Jeyakarthik

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)

ORDER

This petition has been filed seeking quashment of FIR in Crime No.356 of 2020 on the file of the first respondent police, which was registered under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC.

2.The case of the prosecution is that on 22.11.2020 at about 08.00 a.m., the first accused was conducting his daughter's baptism function at Loordhu Madha Church. On that date, at about 09.00 p.m., A1 and others consumed alcohol and wordy quarrel arose between them. Due to which, on 23.11.2020 at about 04.30 p.m., the accused persons came to the house of the de-facto complainant and abused him in filthy languages and also attacked the de-facto complainant and his group by using deadly weapons. In addition, the



accused persons caused severe life threat to the de-facto complainant and his group with dire consequences. Hence, the second respondent lodged a complaint against the petitioner and nine others.

3.The learned counsel for the petitioner would submit that in the First Information Report, it has been stated that the petitioner came to the place of occurrence with aruval. Except that, nothing has been stated with regard to the specific overt act of the petitioner about assault and other things. He would further submit that since there was an earlier dispute between the petitioner and the defacto complainant, the subsequent occurrence said to have been taken place and he was not at all present in the subsequent occurrence place.

4.However, those things cannot be taken into account at this stage. As far as the specific allegation made against the petitioner is concerned, he was also present with aruval during the time of occurrence. So, the specific overt act attributed against the petitioner whether true or false can be found out only during the course of investigation.

5.The learned Government Advocate(crl.side) would submit that the final report has been prepared and the same is awaiting for the approval of the learned Assistant Public Prosecutor.

6.In view of the above, I find no merit in this petition. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to work out his remedy, after filing the final report if he is aggrieved by the contents of the final report.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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,
Koodankulam Police Station,
Tirunelveli District.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-30226[F] dated
24/09/2021)

Crl.O.P(MD)No.14344 of 2021
24.09.2021

MGJ/JC(02.11.2021) 3P 4C