



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.18678 of 2021 &

CRL.M.P.(MD)No.10334 of 2021

WEB COPY

1. Periyasamy

2. Sudha

... Petitioners / Accused Nos.1 & 2

Vs.

1. State though,

The Inspector of Police,

Eral police station,

Thoothukudi District.

(Crime No.294 of 2021) ... 1st Respondent / Complainant

2. Selvakumar

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned First Information Report in Crime No.294 of 2021 dated 07.11.2021 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.S.Vikram

For R-1 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

O R D E R

Head the learned counsel on either side.

2. This criminal original petition has been filed to quash the impugned First Information Report in Crime No.294 of 2021 registered on the file of the first respondent for the offences under Sections 341, 294(b), 323, 324 and 506(ii) of I.P.C.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds.

4. I am not persuaded by the aforesaid submissions. As rightly pointed out by the learned Additional Public Prosecutor appearing for the first respondent, consideration of the petitioners counsel's contentions would involve embarking on a factual probe. The defacto complainant alleges that he suffered head injury and that he was admitted in Eral Government Hospital. Therefore, this is not a case in which the investigation can be scuttled at the initial stage itself.



5. Leaving open all the contentions and the defences of the petitioner, this criminal original petition is dismissed. Consequently, connected M.P. is closed.

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Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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,
Eral police station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.18678 of 2021
29.11.2021

NSN(CO)

TR(17.12.2021) 2P 3C