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Crl.O.P.No.1634 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.1634 of 2021 and
Crl.M.P.Nos.961 and 995 of 2021

Ramachandran

... Petitioner

Vs.

1. The State by the Inspector of Police,
Annamalai Police Station,
Coimbatore District.
Crime No.27 of 2019

2. Boopal

... Respondents

Prayer: Civil Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the Charge Sheet filed in PRC No.29 of 2020 on the file of the Judicial Magistrate No.1, Pollachi, quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.D.R.Arun Kumar

For 1st Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

For 2nd Respondent : No appearance



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ORDER

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This Criminal Original Petition has been preferred to quash the proceedings in PRC No.29 of 2020 on the file of the learned Judicial Magistrate No.1, Pollachi.

2. The case of the prosecution is that on 20.01.2019 at about 4 pm, when the 2nd respondent along with his friends were sitting at the river bridge and consuming alcohol, the petitioner came there and abused them in filthy language. When the 2nd respondent and others started to leave the place, the petitioner fetched up a quarrel with them and he started his bolero jeep and hit against them. During that course, one of the injured got grievous injuries. On the basis of the above allegation, a case has been registered in Crime No.27 of 2019 for the offence under Sections 294 (b) and 307 of I.P.C.

3. The learned counsel for the petitioner submitted that the complaint has been given as a counter blast for the case which has already been given by the petitioner on the same day against the 2nd respondent and others for assaulting him and causing injuries and the said complaint was registered in



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FIR No.28 of 2019. Despite the same, without following the Police Standing Orders for counter case, the 1st respondent Police had chosen to file the charge sheet only in the complaint given by the 2nd respondent in respect of FIR No.27 of 2019 by suppressing material evidence that is available to make out a case against the 2nd respondent and others.

4. The learned counsel for the petitioner has attracted the attention of this Court to the medical documents of the petitioner to show that the petitioner is a sick person who did not have normal locomotory functions on his limbs and he has zero muscle power.

5. The medical reports of the petitioner would show that the ailments stated by the petitioner pertains to the year 2017 and it has no relevance to the date of occurrence which had taken place in the year 2019. On perusal of the complaint given by the petitioner, it is seen that the Bolero Jeep driven by the petitioner hit against the motorbike of the 2nd respondent and his friends. The wound certificate has also been produced to show that one of the injured viz., Sabaragiri has got grievous injuries in the occurrence.



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6. However, it is submitted by the learned counsel for the petitioner that the injuries do not tally with the manner in which the occurrence is said to have occurred. The learned counsel further submitted that the records would only show that the injured had sustained injuries in the road traffic accident. But the facts now stated by the learned counsel for the petitioner is not supported the report of the Motor Vehicle Inspector. The motor bikes involved in the occurrence were not seized by the Police during the course of investigation. All such matters, would arise only during the trial and while proposing the defence of the petitioner. The records would show that there are *prima facie* materials available on record to make out a cognizable case against the petitioner.

7. It is not in dispute that the petitioner vehicle is involved in the occurrence and the same was sent for examination of the Motor Vehicle Inspector. Hence, I do not feel this is a case unfit for trial. There are materials available to support the case of the prosecution and the injuries present in the bodies of the injured are also relevant to the occurrence. The allegations are serious in nature. All the injured persons have given



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statements against the petitioner and the wound certificates have also been produced and the vehicle involved in the accident which belonged to the petitioner was also seized and sent for the inspection of the Motor Vehicle Inspector and his report is obtained.

8. In view of the above reasons, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

19.10.2022

vum

Index:yes/No

Speaking order / Non speaking order

To

1. The Inspector of Police,
Annamalai Police Station,
Coimbatore District.
2. The Public Prosecutor
Madras High Court, Chennai.



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R.N.MANJULA,J.

vum

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