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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3490 of 2022

and

Crl.M.P.No.1625 of 2022

G.Ramchandhiran

...Petitioner / Accused 1

Vs.

1. The Special Sub Inspector of Police,
Elavnasoorkottai Police Station,
Kallakurichi District.

2. P.Muniyan

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records in the FIR in Crime No.398/2021 dated 06.11.2021 on the file of 1st respondent police and quash the same.

For Petitioner : Mr.C.Tickeamber

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1

O R D E R

The petition has been filed seeking to call for the records in the FIR in Crime No.398/2021 dated 06.11.2021 registered by the 1st respondent police for the offence under Section 147, 148, 294(b), 323, 324, 506(ii) of IPC read with Section 4 of TNPHW Act.

2.The case of the prosecution is that the defacto complainant/Muniyan, on 05.11.2020 at about 02.00 pm the first accused along with A2 to A9 armed with stick, knife and



crackers, burst crackers in front of the house of defacto complainant. When it was questioned by the defacto complainant, the accused abused him with filthy language and had intimated saying that they will burst crackers and assaulted the defacto complainant and his wife, when they fell down and kicked them repeatedly. The petitioner/A1 had told that he is the student of law college and he can do anything.

3.The learned counsel for the petitioner would submit that the petitioner is pursuing 2nd year LLB course in the Government Law College, Villupuram. The petitioner had also contested for the post of Panchayat President in Aadhiyur Village Panchayat and one Balamurugan had contested against the petitioner. Due to the political animosity, a false complaint has been given by Muniyan who is the relative of Balamurugan. He would submit that on the same day on 05.11.2021 at about 06.30 pm, one Illayaraja who is the brother of Balamurugan and others have due to political animosity assaulted the petitioner's aunty with the wooden stick and also intimated them. On the complaint given by the defacto complainant a case has been registered against the petitioner and others in Cr.No.397 of 2021 for the offences under Sections 147, 148, 294(b), 323, 324 & 506(ii) of IPC r/w 4 of Tamil Nadu Prevention of Harassment of Women Act. He would submit that the case has been registered only based on the political animosity and would seek for quashing the FIR.

4.The learned Additional Public Prosecutor would submit that the grounds raised by the petitioner are factual in nature and he would submit that the case is in the initial stage of investigation, the defacto complainant and his wife had sustained injuries and the Doctor has issue wound certificates to them and investigation is pending.

5. It is seen from the First Information Report that there are specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6.With the above observations, this Criminal Original Petition is disposed of. However, a direction is issued to the 1st respondent to complete the investigation in Cr.No.397 of



2021 and Cr.No.398 of 2021 within a period of three months and file a final report before the Trial Court. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Special Sub Inspector of Police,
Elavnasoorkottai Police Station,
Kallakurichi District.
2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.Nirmal Kumar, Advocate, S.R.No.11654

Cr1.O.P.No.3490 of 2022
and
Cr1.M.P.No.1625 of 2022

EV[co]
NSK 17/03/2022