



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.15647 of 2018
and Crl.M.P.No.8016 of 2018

1.M.Kevin
2.Siva@Sivakumar

.....Petitioners

Vs

1.The State by:
The Inspector of Police
Law and Order
R-2, Kodamakkam Police Station,
Kodambakkam, Chennai - 600024.

2.Gowthaman

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the FIR in Crime No.795 of 2017, pending on the file of the first respondent.

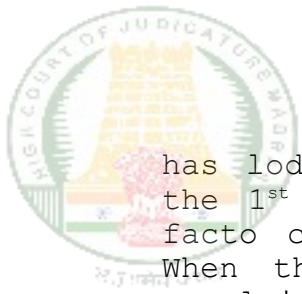
For Petitioners : MR.V.Jayaprakash
for Mr.R.Balachanderan

For Respondents : Mr.S.Vinoth Kumar for R1
Government Advocate(Crl.side)
: Mr.S.Vijay for R2

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in Crime No.795 of 2017, filed against the accused on the file of the first respondent for the offence under Sections 341, 294(b), 324 and 506(2) IPC.

2. The crux of the allegations in the FIR is that the defacto complainant is an Advocate and as such, he helped his client Mr.Newman to lodge the complaint against the first accused in the Central Crime Branch, Chennai. Hence, the first accused having vengeance over the defacto complainant and made various offences against him. Thereby, the defacto complainant



has lodged several complaints against the first accused before the 1st respondent Police. The accused has threatened the defacto complainant not to appear for his client in the Court. When the matter stood thus, on 29.04.2007, when the defacto complainant was speaking with his friend by standing outside of his, the accused along with two more known persons came in a car and attempted to dash the defacto complainant, but he escaped and called Police through Police helpline. Thereafter, the accused persons came out of the car and abused the defacto complainant in filthy language and also caused injury by using key chain. Thereby, FIR has been registered for the aforesaid offence.

3. Learned counsel for the petitioner submitted that FIR is only after thought in a business transaction, the same cannot be countenanced. Hence, he prayed to quash the proceedings.

4. Learned Government Advocate(Crl.Side) appearing for the first respondent submitted that the de facto complainant has sustained injury on his shoulder and certificates are also available on record. Thereby, he opposed to quash the petition.

5. This Court has perused the entire materials available on record. The allegations in the FIR indicate that the accused has caused physical injuries on the shoulder of the defacto complainant, it has to be proved by the Investigation Agency. Therefore, at this stage when the prima facie materials are available against the accused to proceed against him for the offence charged, this Court is not inclined to exercise its powers under Section 482 to quash the final report.

6. Accordingly, this Criminal Original Petition is dismissed with a direction to the Trial Court to dispose of the main case as expeditiously as possible. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

msv



To

1.The Inspector of Police
R-2, Kodamakkam Police Station,
Kodambakkam, Chennai - 600024.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Vijay, Advocate SR.No.4616

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GMR (CO)
GMY (11/02/2022)