



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. 17080 of 2018

Crl.M.P.No.8823 of 2018

R.A.Anbazhagan

...Petitioner/Accused

Versus

1. The State Rep. by,
Inspector of Police,
Pappirettypatti Police Station,
Dharmapuri District.
(Crime No.404 of 2014)

2.A.Aathithan

...Respondents/Complainants

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the Criminal Proceedings in C.C.No.138 of 2017, on the file of the Learned Judicial Magistrate, Pappireddipatty.

For Petitioner : Mr.V.Vijayakumar

For Respondents : Mr.R.Kishore Kumar
Govt. Advocate (Crl.Side) for R1

O R D E R

This Petition has been filed to quash the final report in C.C.No.138 of 2017, filed against the accused for the offence under Sections 294(b), 323, 506(1) IPC, on the file Learned Judicial Magistrate, Paappireddipatty.

2. The allegation in the final report is that on 26.09.2014, the accused has abused, slapped and also caused simple injury and also made oral threat to the de-facto complainant and thereby, he committed offence under Sections 294 (b), 323, 506(1) IPC.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the brother of the de-facto complainant and de-facto complainant has also lodged a complaint which resulted in final report in C.C.No.47 of 2017 and only as



a counter blast, this complaint has been given and submitted that entire final report has to be quashed.

4. I perused the final report and entire materials available on record. There are allegations of oral threat and also causing simple injury and medical certificate is also available. Whether this case is a counter blast to the previous case or not, is a matter of evidence. As the materials unearthed by the prosecution indicate prima facie materials, the same has to be tested only before the trial Court. This Court cannot exercise power under Section 482 Cr.P.C to evaluate the materials as a trial judge. In such view of the matter, it is well open to the petitioner to raise all his legal defence before the trial Court. Since, previous complaint in C.C.No.447 of 2017 is also the complaint lodged by the present petitioner, this Court is of the view that both the case shall be disposed simultaneously in separate trials by the trial Court.

5. With the above observations, this Criminal Original Petition is dismissed. At this stage learned counsel appearing for the petitioner seeks indulgence of this Court to dispense with the personal appearance of the petitioner. Hence, the personal appearance of the petitioner/accused before the trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C, or on any other date as may be required by the trial Court.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

psa/ggs

To

- 1.The Learned Judicial Magistrate,
Paappireddipatty.
- 2.The Inspector of Police,
Pappirettypatti Police Station,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court, Madras.

CrI. O.P. No. 17080 of 2018

GPL(CO)
GMY(21/02/2022)