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CRL.O.P.No.19601 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl. O.P. No.19601 of 2021

1. Senthilkumar @ Kumar
2. Manimekalai

.. Petitioners

Versus

1. State by
The Inspector of Police,
Thammampatty Police Station,
Salem District.
(Cr.No.332 of 2020)

2. Narayanan

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the first respondent to call for the records relating final report in to F.I.R. No.332 of 2020 dated 15.12.2020 on the file of the first respondent and quash the same.

For Petitioner : Mr. M.Ganansekar
For Respondent-1: Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to direct the respondent to call for the records relating to F.I.R. No.332 of 2020 dated 15.12.2020 on the file of the first respondent and quash the same.2. The learned counsel for the petitioner submitted that there are civil disputes between the second respondent / *de facto* complainant and the petitioners and only in that motive a complaint has been falsely given against the petitioners; however, in the complaint given by the second respondent he has not mentioned about any third parties who were witnessing the occurrence but in Statement recorded under Section 161 Cr.P.C., the second respondent stated about the witnesses; further in his complaint the second respondent did not state that he has got any external injuries but it was stated that he was attacked with slipper but the wound certificate would show that he was attacked with slipper and rod; since the above contentions would only show that the case is false, the FIR registered against the petitioners should be quashed.



3. The learned Additional Public Prosecutor appearing for the first respondent submitted that there are sufficient materials available on record to file charge sheet against the accused and hence the petition does not deserve to be allowed.

4. In the complaint filed by the second respondent, he has stated about the overt act of each of the petitioners in the occurrence. Though the second respondent has not stated about the witnesses in the complaint, his statement before the police would show that the occurrence was seen by some persons. But that alone cannot be the reason for concluding that the case of the prosecution is false.

5. The First Information Report need not be an encyclopedia. The First Information Report is given only to set the law in motion but the investigation will follow subsequently. If there is any gross difference between the complaint and the statement and the statement of witness does not tally with the complaint, then there is possibility



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for certain blatant irregularity or illegality. The variation if any of the description of the weapon in the wound certificate alone cannot be taken as a serious ground to quash the proceedings. The submissions now made by the learned counsel for the petitioner can be raised before the trial Court during his arguments or during cross examination of relevant witnesses.

6. The statement of the complainant, the statement of the other witnesses and the wound certificate of the Doctor would show that there are enough materials to make out the case against the petitioners and I feel that it is a fit case where the accused should subject himself for trial.

7. Accordingly, this Criminal Original Petition is dismissed.

09.09.2022

Index: Yes/No
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To:

1. The Inspector of Police,
Thammampatty Police Station,
Salem District.
2. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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