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CRL.O.P.No.23952 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM:

THE HONOURABLE MR JUSTICE V.SIVAGNANAM

CRL.O.P.No.23952 of 2022

Tamizharasan

... Petitioner

Vs.

State by

1.The Inspector of Police,
Mandharakuppam Police Station,
Cuddalore - 607 802.
(Crime No.213 of 2022)

2.Ravikumar

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the FIR in Crime No.213 of 2022 pending on the file of the Mandharakuppam Police Station, Cuddalore District.

For Petitioner : Mr.D.Ashok Kumar

For Respondents :
For R1 : Mr.S.Santhosh
Government Advocate
(Criminal Side)



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ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.213 of 2022 pending on the file of the Mandharakuppam Police Station, Cuddalore District and to quash the same.

2. The case of the prosecution is that the second respondent/defacto complainant is residing separately with his wife and daughter. The second respondent/defacto complainant's brother, sister and sister's daughter are residing separately nearby his house. On 19.03.2022 at about 8.00 p.m., when the second respondent/defacto complainant sister's daughter was alone at her house, one Saravanan came there and was talking in the bedroom. On seeing the same, the second respondent/defacto complainant shouted at him and sent him out. Thereafter at about 8.30 p.m., the said Saravanan along with three others came to the house of the second respondent/defacto complainant, abused him with filthy language and also threatened him with dire consequences. They further attacked him with cricket bat on his back and ruptured with blade on his nose. Due to which, he fell unconscious. Hence, the



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complainant.

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3. The learned counsel appearing for the petitioner submitted that the petitioner is an Advocate. Based on the complaint given by the second respondent/defacto complainant, a case in Crime No.213 of 2022 was registered for the offences punishable under Sections 294(b), 323, 324 & 506(ii) of IPC. He further submitted that on 23.03.2022, there is a counter case registered against the second respondent in Crime No.214 of 2022 on the file of the first respondent. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner herein is arrayed as A-3 and due to previous election enmity, a false complaint has been given against the petitioner. Hence, the present petition has been filed to quash the FIR in Crime No.213 of 2022, pending on the file of first respondent.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that based on the complaint given by the petitioner, a case in Crime No.214 of 2022 was registered against the second respondent/defacto complainant for the offences punishable under



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Sections 294(b), 323, 324 & 506(ii) of IPC. He further submitted that the grounds raised by the petitioner are factual in nature, the investigation in both the cases are still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition.

5. This Court considered the rival submissions and perused the materials available on record.

6. On perusal of the records, it is seen that the petitioner assaulted the second respondent/defacto complainant with cricket bat on his back and also threatened the second respondent/defacto complainant with dire consequences. Since there is a specific overtact attributed against the petitioner, the allegations against the petitioner has to be investigated. Therefore, it does not meet the parameters laid down by the Hon'ble Supreme Court in *State of Haryana Vs. Ch.BhajanLal (AIR 1992 SC 604)*, *M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)* and *PRATIBHA RANI Vs. SURAJ KUMAR & ANR (1985 CrL.L.J.817)*, the matter has to be investigated to find out the truth. Hence, I find no merits in the present Criminal



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7. Accordingly, the Criminal Original Petition is dismissed.

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Index : Yes/No

Speaking Order/Non-Speaking Order

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To

1.The Inspector of Police,
Mandharakuppam Police Station,
Cuddalore - 607 802.

2.The Public Prosecutor,
High Court of Madras.

V.SIVAGNANAM, J.



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