



CrI.O.P.No.30143 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30143 of 2022

and

CrI.M.P.Nos.18469 & 18512 of 2022

1. R.Suresh
2. Naveen Kumar

... Petitioners

Vs.

1. The State Represented by
The Inspector of Police,
D' Nagar Police Station,
Puducherry.
Crime No.174 of 2019.

2. Rajendiran

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the C.C.No.436 of 2020 on the file of the learned Judicial Magistrate No.1, Puducherry and quash the same.

For Petitioner : Mr.S.Anburaja

For Respondents : No appearance



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ORDER

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This Criminal Original Petition has been filed to call for the entire records pertaining to the C.C.No.436 of 2020 on the file of the learned Judicial Magistrate No.1, Puducherry and quash the same.

2. The learned counsel for the petitioners submitted that this case was registered on the basis of the complaint lodged by the defacto complainant who is the brother of the petitioner's father. There is a property dispute and in this regard, civil suit is pending between them. While so, the defacto complainant/ 2nd respondent lodged a false complaint deliberately implicating the petitioners who are the sons of the 2nd respondent's brother. The Accident Register Copy shows that the 2nd respondent was assaulted by the neighbour (brother) at his residence and there is no reference about the petitioners' assaulting the 2nd respondent. The petitioners' name were subsequently included in the complaint as after thought, just to harrass them. Hence, he seeks for quashment of the proceedings in C.C.No.436 of 2020 on the file of the learned Judicial Magistrate No.1, Puducherry.

3. There is no representation for the respondents.

4. This Court while going through the FIR and final report found



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that there are certain specific allegations made against the petitioners also, in which, the petitioners along with their father slandered the 2nd respondent in filthy language and they have beaten him with wooden log and also made death threat. The 2nd respondent was treated as Out-Patient in the hospital. The perusal of the OPD Slip shows that the 2nd respondent sustained abrasion, tenderness and swelling over his knee.

5. Therefore, this Court is of the view that prima facie material is available for framing of charges under Sections 294(b), 323, 324, 34 and 506(ii) of IPC against the petitioners. No valid grounds are made out for quashing the case in C.C.No.436 of 2020 on the file of the learned Judicial Magistrate.No.I, Puducherry.

6. Accordingly, this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Sma
Index:Yes/No
Speaking/Non speaking order

G.CHANDRASEKHARAN.J.,



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