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Crl.O.P.No.31358 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31358 of 2022

and

Crl.M.P.No.19173 of 2022

1.Sivakumar

2.Ravi

3.Marappan

4.Chinnathayi

... Petitioners

Vs.

1. The Sub Inspector of Police,
Bargur Police Station,
Erode District.

2. Chinnaiyan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call

for the records in C.C.No.73 of 2022 pending on the file of the Judicial

Magistrate No.II, Bavani and quash the same.

For Petitioners : Mr.C.Chokkalingam

For R1 : Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.73 of 2022 pending on the file of the Judicial Magistrate No.II, Bavani.

2. Learned counsel for the petitioners submitted that there are certain materials contradiction in the statement of the witness with regard to the injuries suffered by him and the place of injuries. There is no mention in the statement of Chinnaiyan about the injury suffered by Chinnaiyan in his tooth. Whereas, the Doctor's statement shows that he reported to the doctor that he suffered pain in his tooth. This is one contradiction. That apart, injuries are only minor and simple in nature. Therefore, he prayed to quash the proceedings in C.C.No.73 of 2022.

3. On the other hand, the learned Government Advocate (Crl.Side) submitted that whatever the contradiction that may be submitted by the petitioners are only minor contradictions. He further submitted that from the materials produced, the case is made out for the charges under Sections 143, 294(b), 324, 352 and 506(ii) of IPC against the accused and the case is now stands posted for appearance of the accused on 03.01.2023. At this stage, it is not proper to quash the proceedings in C.C.No.73 of 2022. Therefore, he seeks



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to dismiss the petition as it has no merit.

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4. I have considered the matter in the light of the submissions made by the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the first respondent.

5. On perusing the records, the allegations made in the First Information Report shows that on 03.05.2020 at about 10.30 a.m., family of the third accused and one witness were fighting with each other. The witnesses 1 to 4 intervened and pacified them, therefore, the first accused Sivakumar scolded the witness Chinnaiyan in a filthy language, why he was interfering with the affair with Rudhran. At the same time, the first accused had taken the stone and hit the said Chinnaiyan on his nose and jaw and the second accused hit him on his hip and hand with bamboo sticks. When the witness Madhavan tried to intervene, A3 assaulted him on his back and A4 assaulted the wife of Chinnaiyan with hands. Therefore, the case was registered for the offence under Sections 143, 294(b), 324, 352 and 506(ii) of IPC.

6. Perusal of the statements of these witnesses shows that the statements are given in line with the allegations made in the complaint. It is true that the

Doctor has given the statement stating that the witness Chinnaiyan was suffered



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pain in his tooth. The witness Chinnaiyan specifically stated in his statement that the first accused hit him on his nose and left jaw with the stone. Therefore, there is no contradiction in his statement. Over all this Court finds from the final report that prima facie case has been made out against the accused for prosecution under Sections 143, 294(b), 324, 352 and 506(ii) of IPC. Therefore, it is inappropriate to quash the proceedings in C.C.No.73 of 2022, and this Court finds no merit in this petition.

7. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected Criminal Miscellaneous Petition is closed.

20.12.2022

Internet:Yes/No

Index:Yes/No

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To

1. The Judicial Magistrate No.II, Bavani

2.The Sub Inspector of Police,
Bargur Police Station,
Erode District.

3.The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.

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20.12.2022