



Crl.OP.No.31552 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31552 of 2022
& Crl.M.P.No.19308 of 2022

1.Anthoni

2.Mano @ Manogar

...Petitioners

Vs.

1.The Inspector of Police,
Santhavasal Police Station,
Thiruvannamalai District.
Crime No.48 of 2022

2.Pushparaj

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the FIR in Crime No.48 of 2022 pending on the file of 1st respondent Police and quash the same.

For Petitioners : Mr.A.Anilan
For Respondents : Mr.S.Santhosh (For R1)
Government Advocate(Criminal side)



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ORDER

This Criminal Original Petition has been filed to call for the records of the FIR in Crime No.48 of 2022 pending on the file of 1st respondent Police and quash the same.

2.The learned counsel for the petitioners submitted that the incident alleged to have been happened on 18.01.2022, but the First Information Report was registered only on 22.02.2022. That apart, it is claimed in the First Information Report, that the injured namely Pushparaj said to have taken treatment at Government Hospital immediately after the occurrence and then came to the Police Station and gave the complaint. Petitioners got information on Right to Information Act stating that Pushparaj, son of Saminathan, Kallanguthu paguthi, Santhavasal Village, Polur Taluk, was not admitted at Vellore Government Hospital from 18.01.2022 to 21.01.2022 and treated as in-patient. The copy of the information is also produced in this case. Therefore, this petition.



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3.The learned Government Advocate (Criminal side) opposed this petition on the ground that investigation in this case is almost completed and final report would be filed within a period of one week.

4.Considered rival submissions.

5.The First Information Report allegations *prima-facie* makes out a case for registering the First Information Report against the petitioners for the offences under Section 294 (b), 324 and 506 (2) I.P.C. Of course there is a delay of four days in registering the First Information Report. The reason for the delay as per the First Information Report is that the injured was admitted as in-patient for treatment in Government hospital, Vellore. This claim is disputed by the petitioners by saying that the information got under Right to Information Act, shows that Pushparaj was not treated as in-patient at Government Hospital, Vellore from 18.01.2022 to 21.01.2022. There are apparent contradictions with regard to the treatment taken by Pushparaj at Government Hospital, Vellore, from the allegations made in the complaint and in the information provided under



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Right to Information Act. However, these are all disputed facts. This has to be enquired and investigated. As already indicated, the First Information Report allegations clearly makes out a case for registration of First Information Report under Section 294 (b), 324 and 506 (2) I.P.C. Now the investigation is almost completed. Therefore, this Court is not inclined to quash the proceedings in Crime No.48 of 2022 pending on the file of 1st respondent Police.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

ep

To

- 1.The Inspector of Police,
Santhavasal Police Station,
Thiruvannamalai District.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.

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