



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD) No.1009 of 2022

and

CrI.M.P. (MD) No.716 of 2022

WEB COPY

1.P.Yuvaraj
2.R.Keeran Raj
3.P.Kalaiselvan
4.P.Kaleeswari
5.P.Jeyalakshmi
6.P.Ramakrishnan
7.L.Mahalingam
8.M.Jeyalakshmi
9.A.Krishnammal
10.L.Ramakrishnan
11.P.Muthulakshmi

... Petitioners

Vs.

1.State through
The Inspector of Police,
Nalattinpudur Police Station,
Thoothukudi District.

...1st Respondent/Complainant

2.A.Gomathi

...2nd Respondent/
Defacto Complainant

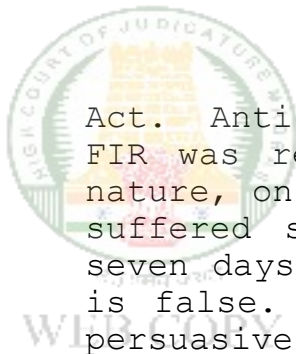
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.398 of 2021 dated 04.11.2021 on the file of the 1st respondent police and quash the same as illegal.

For Petitioners : Mr.T.Thirumurugan
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (CrI. Side) for R1.

O R D E R

This criminal original petition has been filed to quash the impugned FIR.

2.The learned counsel for the petitioners reiterated all the contentions set out in the memorandum of grounds. He pointed out that the petitioners belong to a suppressed community and that when the children were bursting crackers on the occasion of Diwali, it was questioned by the other community members. In the ensuing occurrence, the petitioners were attacked and some of them suffered serious injuries. That gave rise to registration Crime No.399 of 2021 not only for IPC offences but also for the offences under SC/ST



Act. Anticipating that such a complaint will be given, the impugned FIR was registered in Crime No.398 of 2021. In a case of this nature, only one version can be true. Since some of the petitioners suffered serious injuries and had to remain hospital for almost seven days, obviously their version is true and the counter version is false. Though the contentions of the petitioners' counsel are persuasive, I am not in a position to consider the same for the simple reason that the petitioners have come at the FIR stage itself. Since it is a case of case and counter, certainly the authority would bear in mind the procedure to be followed. If an adverse final report is filed against the petitioners, it is always open to them to come to this Court again.

3.With this liberty to the petitioners, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Inspector of Police,
Nalattinipudur Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-2131[F] dated 24/01/2022)

Crl.O.P(MD)No.1009 of 2022
21.01.2022

RK(15/02/2022) 2P 4C