



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1755 of 2022
and
Crl.M.P. (MD)No.1273 of 2022

1.Mark Lambart
2.Mark Hubert
3.Juli
4.A.Francis

... Petitioners

Vs.

1.The State
Through its Superintendent of Police,
Sivagangai District.
2.The Deputy Superintendent of Police,
Devakottai.
3.The Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.
4.Mr.Subramaniam
Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.
5.Mr.Maharajan
Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.

6.Seviyar

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to Crime No.172 of 2021, dated 12.08.2021, for the offences under Sections 294(b), 324 and 506 (ii) of IPC on the file of the 3rd respondent police and quash the same.

For Petitioners : Mr.V.R.Shanmuganathan
For R1 to R3 : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side)



O R D E R

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondent 1 to 3.

WEB COPY

2.This Criminal Original Petition has been filed to quash the First Information Report in Crime No.172 of 2021 registered on the file of the third respondent for the offences under Sections 294(b), 324 and 506(ii) of IPC.

3.The case of the petitioners is that the sixth respondent and others had attacked the third and fourth petitioners herein on 08.08.2021 at around 21.30 hours.

4.According to them, eventhough a complaint was given and the entire occurrence had been captured in CCTV camera, the third respondent did not register any FIR. It required the intervention of the first respondent to cause registration of Crime No.171 of 2021. According to the petitioners, as a counter blast, a complaint was received from the sixth respondent, based on which, the impugned FIR in Crime No.172 of 2021 was registered. The petitioners also specifically alleged that the local police personnel are associated with the sixth respondent herein.

5.I do not want to go into the said factual allegations. The fact remains that there is a case and counter case; some allegations have been made against the local police also. Without going into the said allegations, in the interest of justice, I direct the first respondent to withdraw both the First Information Reports from the file of the fourth respondent and entrust the same with the second respondent. Since it is a case of case and counter, the standard procedures shall be followed by the second respondent.

6.The Criminal Original Petition is disposed of on these terms. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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 Superintendent of Police,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
Devakottai.
- 3.The Inspector of Police,
Thiruvegampet Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-3296[F] dated
01/02/2022)

Crl.O.P(MD)No.1755 of 2022 and
Crl.M.P. (MD)No.1273 of 2022
01.02.2022

RD(16.02.2022) 3P 6C