



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
CRL.O.P.[MD].No.2347 of 2020

and

CRL.M.P.[MD]Nos.1201 and 1202 of 2020

M.Mahesh @ Mahesh Kumar ... Petitioner / Accused No.2
Vs.

1.The Sub-Inspector of Police,
Ayikudi Police Station,
Thirunelveli District.
(Crime No.153 of 2018) ...1st Respondent / Complainant

2.Saravanan ... 2nd Respondent /
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C.No.203 of 2018 under Sections 294(b), 324 and 506(ii) IPC before the learned Judicial Magistrate, Senkottai, dated 28.12.2018 as against the petitioner concerned.

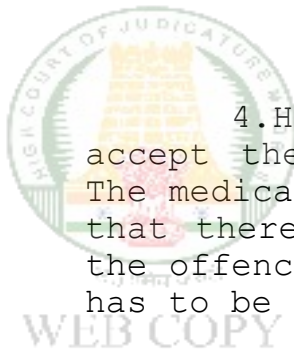
For Petitioner : Mr.M.S.Suresh Kumar
For R1 : Mr.A.Thiruvadikumar,
Additional Public Prosecutor.
For R2 : Mr.G.Karuppasamy Pandian

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.203 of 2018 on the file of the learned Judicial Magistrate, Senkottai filed for the offences punishable under Sections 294(b), 324 and 506(ii) IPC.

2.The crux of the charges is that when the defacto complainant went to the police station for enquiry and returned, the accused caused injury on the head with iron rod.

3.The learned counsel appearing for the petitioner would submit that there is a case in counter registered and the Doctor has opined that only the injuries are simple injuries, therefore, Section 324 of IPC would not be attracted. Hence, he seeks to quash the entire proceedings. That apart, it is also submitted that there is a delay in filing the First Information Report.



4.Heard both sides. At the outset, this Court is unable to accept the contention of the learned counsel for the petitioner. The medical certificate annexed in the final report itself indicates that there is a head injury measuring 7x2 cm. Therefore, whether the offence under Section 324 of IPC will be attracted or 307 of IPC has to be seen only during trial.

5.In such view of the matter, the trial is to be seen its logical end. Merely the case in counter registered, it is not a ground to quash the entire proceedings. Similarly, he has also taken a plea of alibi , which is also to be established only by the person, who sets up such plea. The trial Court shall expedite the trial in both case and dispose of the same as expeditiously as possible.

6.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

To

- 1.The Judicial Magistrate,
Senkottai.
- 2.The Sub-Inspector of Police,
Ayikudi Police Station,
Thirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P. [MD] .No.2347 of 2020
04.03.2022

SVN(CO)
GC(23.03.2022) 2P 4C