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Crl.O.P.(MD)No.9458 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13/09/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.9458 of 2019
and
Crl.MP(MD)Nos.6027 and 6028 of 2019

K.Marimuthu : Petitioner/Sole Accused

Vs.

1.State rep. By
The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District,
In Crime No.214 of 2018 : R1/Complainant

2.Krishnan : R2/De-facto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in CC No.75 of 2019 on the file of the Judicial Magistrate, Rajapalayam, Virudunagar and quash the same.

For Petitioner : Mr.P.Krishnasamy

For 1st Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

For 2nd Respondent : Mr.M.Thirunavukkarasu



Crl.O.P.(MD)No.9458 of 2019

O R D E R

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This criminal original petition is filed seeking quashment of the case in CC No.75 of 2019 on the file of the Judicial Magistrate, Rajapalayam, Virudhunagar District.

2.The case of the prosecution is that on 14/12/2018 at about 6.00 am, when the de-facto complainant was irrigating his land, the accused person came there and picked up quarrel stating that why he is working for Madasamy and abused him in filthy language. When that was objected, he was assaulted with hands and criminally intimidated. Over the above said issue, a case was registered in Crime No.214 of 2018 for the offences under sections 294(b), 323 and 506(ii) IPC. After completing the formalities of investigation, final report has been filed and it was taken cognizance in CC No.75 of 2019 by the trial court.

3.Seeking quashment of the final report, this petition has been filed by the petitioner mainly on factual grounds.

4.Heard both sides.



Crl.O.P.(MD)No.9458 of 2019

5.The learned counsel appearing for the petitioner would submit that only bald allegation has been made by the complainant in the complaint and the word that was used by the petitioner at the time of the alleged occurrence for abusing the de-facto complainant, has not been mentioned; Similarly, there is no specific allegation to the effect that because of the criminal intimidation, the de-facto complainant was under threat to his life; There is a delay of 4 days in lodging the complaint and actually, there was dispute between the above said Madasamy and the petitioner and by using the de-facto complainant, this false case has been given; there was no injury to him and the injury might have been suffered to the complainant at the time of irrigating the lands; Apart from that, he has also mentioned that the person, who registered the FIR must not investigate the matter. According to him, this is also not legal.

6.Specific allegation has been mentioned in the complaint. Prima facie records shows that the witnesses and the Doctor, who treated the petitioner has also been examined by the Investigating Officer. He also found injury on the cheek region. The above said injury alleged to have been caused by the petitioner and sustained the same during



Crl.O.P.(MD)No.9458 of 2019

the course of work, cannot be a matter for consideration in this petition. It is a factual issue, which has to be properly tried.

7. Similarly, the word used by the petitioner has been mentioned and there is no allegation to the effect that because of the criminal intimidation, the de-facto complainant entertained fear of death, cannot be a matter for consideration. It is also a matter for evidence.

8. The contention that the person, who registered the FIR has also investigated the matter cannot be found fault. There is no bar for the police officer, who registered the FIR, to investigate the matter. Only the informer can be barred from investigating the matter. But not a person who recorded the FIR. This argument is also not convincing and acceptable. The delay of four days in lodging the complaint is also not a matter for consideration during trial. Whether all the witnesses are interested witnesses to the above said Madasamy also cannot be taken into account, while exercising the jurisdiction under section 482 Cr.P.C. So, I find no merit in this petition.



Crl.O.P.(MD)No.9458 of 2019

9.In the result, this criminal original petition is **dismissed.** Consequently, connected Miscellaneous Petitions are closed.

13.09.2022

Internet:Yes/No
Index:Yes/No
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CrI.O.P.(MD)No.9458 of 2019

G . ILANGOVAN , J . ,

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To,

- 1.The Judicial Magistrate,
Rajapalayam,
Virudhunagar District.
- 2.The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.9458 of 2019

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