



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.5116 of 2022

and

Crl.M.P(MD) No.3599 of 2022

WEB COPY

1.Isravel Isanraj
2.Nobel Sylas
3.Anish
4.Preskillal ... Petitioners/Accused 1 to 4
Vs

1. The State Rep. by its
Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.12/2017) ... 1st Respondent / Complainant

2. Solamon ... 2nd Respondents / Defacto complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the FIR in Cr.No.12 of 2017 on the file of the 1st
Respondent Police and quash the same.

For Petitioners : Mr.S.Sivakumar

For Respondent : Mr.R.M.Anbunithi
No.1 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash
the proceedings in Crime No. 12 of 2017 on the file of the first
respondent police.

2. The case of the prosecution is that on 14.01.2017 at about
10.10 am., the second respondent herein trespassed into house of the
petitioner and called his son using his name and attacked him with
Vettukathi, it was prevented by his hand due to that he got cut
injury on his hand. When other persons came there to the scene of
occurrence, the accused persons threatened with dire consequences.
Thereafter the injured was admitted in the hospital and inpatient
and later discharged. With the above allegations, the respondent
police registered the above FIR.

3. The learned Counsel appearing for the petitioner would
submit that the petitioner is innocent and he has not committed any
offence as alleged by the prosecution.



appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification for the High Court to interfere.

6.....

7.....

8.....

9. Having heard the learned Senior Counsel and examined the material on record, we are of the considered view that the High Court ought not to have set aside the order passed by the Trial Court issuing summons to the Respondents. A perusal of the complaint discloses that prima facie, offences that are alleged against the Respondents. The correctness or otherwise of the said allegations has to be decided only in the Trial. At the initial stage of issuance of process it is not open to the Courts to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Criminal complaints cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted."

8. In view of the above discussion, this Court is not inclined to quash the First Information Report. Hence this Criminal Original Petition stands dismissed. However, the respondent police is directed to complete the investigation and file final report before the concerned Magistrate, within a period of eight weeks from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.5116 of 2022
and
Crl.M.P (MD) No.3599 of 2022
18.03.2022

sk(CO)
TR(30.03.2022) 4P 3C