



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.5270 of 2019

and

Crl.MP (MD)Nos.3330 and 3331 of 2019

Alaganantham : Petitioner/A2

Vs.

1.The State rep. By
The Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Tirunelveli District.
(Crime No.412 of 2018)

: R1/Complainant

2.Murugan : R2/De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in CC No.51 of 2019 on the file of the Judicial Magistrate, Valliyoor, Tirunelveli District in connection with Crime No.412 of 2018 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Palani Velayutham

For 1st Respondent : Mr.K.Nambi Selvan
Additional Public Prosecutor

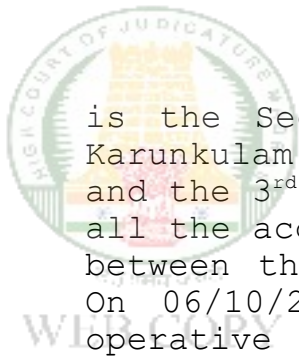
For 2nd Respondent : Mr.S.Vinayak

O R D E R

This criminal original petition is filed seeking quashment of the case in CC No.51 of 2019 on the file of the Judicial Magistrate, Valliyoor, Tirunelveli District.

2.The case of the respondent in brief:-

The de-facto complainant belongs to one political party called 'BJP' and he is also the Union Secretary of the above said party. A1
<https://hcservices.ecourts.gov.in/hcservices/>



is the Secretary of the Radhapuram Union and A2 is residing in Karunkulam south and also the secretary of Vailliyoor AIADMK party and the 3rd accused also belongs to the very same political party and all the accused persons are friends. There was some political enmity between the de-facto complainant party and the petitioner's party. On 06/10/2017, the election for the Radhapuram Agricultural Co-operative Society was about to be conducted and the nomination papers were also received on that date. At that time, at about 3.30 pm, all the accused persons abused the de-facto complainant in filthy language, A1 caused injury with steel plate to him and A2 and A3 also joined with him and also assaulted the de-facto complainant on the hands and criminally intimidated the de-facto complainant not to file the nomination papers. Based upon the complaint given by the de-facto complainant, a case in Crime No.411 of 2018 was registered for the offences under sections 294(b), 323, 324 and 506(ii) IPC and materials were collected and statement of witnesses have been recorded and final report was filed alleging that the petitioner along with the other accused persons committed the offences under section 294(b), 323, 324 and 506(ii) IPC.

3. Seeking quashment of the above said criminal proceedings, the 2nd accused has filed this petition on the ground that he has been wrongly roped in the above said occurrence and it is a case and counter case and due to the previous enmity, he has been wrongly roped in the above said occurrence. The counter case, which was filed against the de-facto complainant party has been closed as 'Mistake of fact. So the first respondent acted in a mala fide manner and the investigation was not properly undertaken.

4. Heard both sides.

5. It is a case of injury. It is a specific allegation to the effect that the petitioner was joined with the A1 and A3, assaulted the de-facto complainant and caused injuries. For the purpose of showing the medical treatment, one Dr. Navin C Durai was examined and his statement was also recorded, wherein he has stated that the de-facto complainant was admitted for simple injury, on 06/10/2018 at about 3.30 pm and the injured person stated that he was assaulted by known three persons and he was treated as out patient. Subsequently also issued wound certificate. So when the injured is alleged to have stated and also found during the course of investigation in the form of medical report, the contention on the part of the petitioner that he has been wrongly roped in the above said occurrence and due to political motive, the case has been registered and the counter case, which was registered against the de-facto complainant has been closed as 'Mistake of Fact', no material has been placed by the petitioner before this court. So whether this petitioner also joined hands with the other accused persons and assaulted the de-facto complainant is a matter for trial. The factual issue cannot be gone into. More over, as mentioned earlier, the document with regard to <https://hcservicescourts.gov.in/hcservices/> has also not been produced by the petitioner. So, I



find no merit in this petition.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Judicial Magistrate,
Valliyoor,
Tirunelveli District.
- 2.The Inspector of Police,
Valliyoor Police Station,
Valliyoor
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.5270 of 2019
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RD(20.04.2022) 3P 4C