



Crl.O.P.(MD) No.11425 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

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and

Crl.M.P(MD) Nos.7223 and 7225 of 2022

1. Mohan,
2. Raja @ Maduraja,
3. Selvam @ Karthigaiselvam,
4. Sundaravalli,

: Petitioners

Vs

1.State represented by
The Inspector of Police,
Aviyur Police Station,
Aviyur,
Virudhunagar District.
Crime No.84 of 2014

2. Murugan,

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying
this Court to call for the records pertaining to the Charge Sheet in C.C.No. 24



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of 2022, on the file of the learned Special Judicial Magistrate (Training), Virudhunagar and quash the same as illegal as against these petitioners/Accused Nos.1 to 4.

For Petitioners : M/s.Anandraj K,

For R1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking to quash the criminal proceedings in C.C.No.24 of 2022, on the file of the learned Special Judicial Magistrate (Training), Virudhunagar District.

2.The learned Counsel appearing for the petitioner submitted that the alleged occurrence took place on 04.07.2014. But, the complaint was given on 17.08.2014 and the case was not registered by the police, initially. Therefore, they gave a private complaint to the learned Judicial Magistrate No.II, Virudhunagar District and the same was forwarded to the respondent police for investigation and to register a case. Thereafter, the case has been



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registered in Crime No.84 of 2014, for the offences under Sections 147, 294(b), 324, 451, 506(ii) of IPC. After a long delay, they filed a charge sheet on 18.11.2014. He further stated that since the parties are close relatives, the criminal proceedings are not maintainable and pleaded to quash the same.

3.The learned Additional Public Prosecutor submitted that there is a specific overt act attributed against the accused persons 2 to 4. They assaulted the complainant and caused injuries to her. After investigation, final report has been filed, which was taken on file by the learned Judicial Magistrate and it is awaiting for trial. Under these circumstances, the case has to be decided by let in evidence on merit and pleaded to dismiss this petition.

4.Considering the matter in the light of the submissions made by both the counsels and on a perusal of records, it discloses the fact that the case has been registered on the complaint lodged by one Murugan. The alleged occurrence took place on 04.07.2014. According to the complainant, the petitioners entered into the house of the complainant, assaulted and threatened him. Therefore, the complaint has been lodged against the petitioners. After



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investigation, now charge sheet has been filed and the police examined and relied upon twelve witnesses. Among them, PW-1 is the injured person and other witnesses are being identified in the place of occurrence and this helped for arrest. The observation Mahazar and rough sketch were prepared by the investigation officer. PW-11 Dr.Venkateswaran attached with Kariyapatti Government Hospital examined the injured complainant and gave an accident register and mentioned the injury sustained by the complainant.

5.On a perusal of the accident register, it is found that four persons have assaulted the complainant using aruval, stones on the specified date and sustained injury of laceration of 0.5 cm to 0.25 cm in right partial region of scalp, a contusion of 3 cm X 1 cm in left scalp region, two abrasion of 1 cm each over the right clavicle. It reveals the fact that the complainant possessed injuries and specific overt act had been attributed against the petitioners. It has to be proved by the prosecution through evidences before the trial Court. Now, the case is pending for trial.

6.At this stage, it is in-appropriate to quash the criminal proceedings and there is no sound reason for quashing the same. Accordingly, this



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criminal original petition stands dismissed. Consequently, connected
miscellaneous petitions are closed.

28.06.2022

Internet:Yes
Index:Yes/No
lr



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V.SIVAGNANAM, J.

lr

To

1.The Inspector of Police,
Aviyur Police Station,
Aviyur,
Virudhunagar District.

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

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