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Crl.O.P.No.1396 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1396 of 2023

and

Crl.M.P.Nos.800 and 801 of 2023

Ashok Kumar

...

Petitioner

VS

1.The State represented by
The Inspector of Police,
Shevapet Police Station,
Salem city,
Salem.
(Crime No.84 of 2022)

2.Nandhakumar

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records pending trial in C.C.No.923 of 2022, on the file of Judicial Magistrate No.III, Salem and quash the same.

For Petitioner

...

Mr.W.Camyles Gandhi

For R-1

...

Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl side)

For R-2

...

Mr.K,Muthu

ORDER



Crl.O.P.No.1396 of 2023

This Criminal Original Petition has been filed to call for the records pending trial in C.C.No.923 of 2022, on the file of Judicial Magistrate No.III, Salem and quash the same.

2. Learned counsel for the petitioner submitted that petitioner is an accused in C.C.No.923 of 2023 pending on the file of the learned Judicial Magistrate No.III, Salem. Petitioner is falsely implicated in this case. Defacto complainant and petitioner are brothers. In a family dispute, 2nd respondent/defacto complainant gave a false complaint and therefore, this petition.

3. Learned Government Advocate (Criminal side) opposes this petition, on the ground that, 2nd respondent suffered injuries and this case requires trial. Therefore, he prays for the dismissal of this petition.

4. Learned counsel for the 2nd respondent submitted that, 2nd respondent suffered the following injuries in the incident,

(i) Abrasion 2x1 cm over lower eyebrow medial portion.



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(ii) Abrasion over right arm 3x1 cm.

(iii) Abrasion of 1x1 cm in upper lip.

In support of his submissions, he produced copy of treatment records given by Government Mohankumaramagalam Medical College & Hospital, Salem and also photographs of 2nd respondent showing the injuries suffered by him.

5. Considered the submissions and perused the records.

6. The first information report shows that, 2nd respondent/defacto complainant was living in the first floor, and along with his brother in the ground floor, in the address given in the complaint. He is an Advocate. On 26.03.2022, at about 10.15 p.m., there was a power cut in his house. He came out of his house and saw his brother Ashok Kumar standing with a cutting plier. Defacto complainant found that, his brother cut the wire in the meter box. He asked him why he cut the wire, for which, accused responded saying that, he would do like that and started hitting him with cutting plier on his face and shoulder. As a result, defacto complainant



suffered injuries.

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6.1. On the basis of the complaint given by the defacto complainant, first information report in Crime No.84 of 2022 was registered. After investigation, final report was also filed for the offences under Sections 294(b), 323, 324 and 506(2) IPC. Supporting the first information report allegations, defacto complainant had given his statement. The statement of the defacto complainant is supported by eye witnesses Reka Rani, Lavanya, Prabu and Dr.Viswanathan. The reading of the statement and perusal of the discharge summary and photographs clearly establishes the fact that, 2nd respondent suffered injuries in the incident. It is stated that, in the course of incident, petitioner abused him in filthy language and made criminal intimidation. Thus, this Court finds that, there are materials available for framing charges against the petitioner, for the offences under Sections 294(b), 323, 324 and 506(2) IPC. Therefore, this Court is of the view that, there is no valid grounds for considering in the prayer seeking for quashment of the final report in C.C.No.923 of 2022.



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7. In the result, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petitions are closed.

26.06.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

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To

- 1.The Judicial Magistrate No.III, Salem
- 2.The Inspector of Police,
Shevapet Police Station,
Salem city,
Salem.
- 3.The Public Prosecutor,
High Court of Madras.

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