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Crl.O.P.No.5622 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.5622 of 2022
and
Crl.M.P. No.3108 of 2022

N.Rajagopal

... Petitioner

-VS-

1.The Inspector of Police,
Namakkal Police Station,
Namakkal District,
Crime No.54 /2022

2. Karthik

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to Crime No.54/2022 on the file of the Respondent/complainant and quash the same.

For Petitioner : Ms.S.Thankira

For Respondent No.1 :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

This is a petition to quash a case registered on 22.01.2022 for an offence under Section 294 (b), 323 and 506(i) IPC. On the contention that a civil dispute been given a criminal colour by the defacto complainant, this petition was filed and this Court being prima facie, satisfied at the time of admission stayed the filing of final report.

2. Today, when the matter was taken up for consideration, the learned Government Advocate (Crl.Side) submitted that investigation is completed. From the investigation, it has been found that due to land dispute, quarrel occurred on 19.12.2021 ended in fight and assault on the defacto complainant with hand causing lacerated injury and tenderness over the left chest valve, also material collected indicates that the boundary stone was destructed using JCB.

3. The learned counsel appearing for the petitioner submitted that SOC does not belong to the defacto complainant and the allegations against the petitioner is false.

4. This Court on reading the wound certificate, statement of witnesses and other materials found in the CD file, finds that, it is not a case of pure civil nature but act of crime like destroying boundary stone which belongs to the



Government and assault by hand been supported by the medical certificate.

Hence, this petition to quash the FIR is ***dismissed***. The respondent police is allowed to file final report and it shall be done within a period of 15 days.

Consequently, connected Miscellaneous Petition is also dismissed.

23.11.2023

Internet : Yes/No

Index : Yes/No

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To

1.The Inspector of Police,
Namakkal Police Station,
Namakkal District.

2.The Public Prosecutor,
Madras High Court,
Madras.



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Dr.G.JAYACHANDRAN,J.

rkp

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