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Crl.OP.No.5734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5734 of 2023

and

Crl.M.P.No.3580 of 2023

1. S.Tharunraj

2. S.Kasiraman

... Petitioners

Vs.

1. The Inspector of Police,
Tharamangalam Police Station,
Mallikuttai Village,
Salem District.

2. Jayarani

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the FIR in Crime No.318 of 2021 on the file of the 1st respondent and quash the same as illegal and incompetent by allowing the present Criminal Original Petition.

For Petitioners

: M/s. G.Keerthana

For Respondent

: Mr.S.Santhosh (For R1)
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the FIR in Crime No.318 of 2021 on the file of the 1st respondent and quash the same as illegal and incompetent by allowing the present Criminal Original Petition.

2. The learned counsel for the petitioners submitted that petitioners are aged about 17 and 19 at the time of alleged occurrence ie., on 03.06.2021. He further submitted that, petitioners are falsely implicated in this case. The husband of the defacto complainant had also given another complaint making allegations against the petitioner. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, FIR allegations clearly indicates that, petitioners along with other accused attacked the defacto complainant and her husband and caused severe injuries. Investigation in this case is completed and final report would be filed in due course.



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4. Considered the rival submissions and perused the records. Reading of the FIR allegations show that, petitioners along with other accused attacked the defacto complainant's husband. They have family property measuring about 3.40 cents. There is a problem in partitioning the property. On 03.06.2021, at about 07.30.p.m., 1st accused/ Selvam started ploughing the field with the help of a tractor. When the defacto complainant told him not to plough his field, Selvam's wife Ambika along with her sons Tharun and Kasi started attacking the defacto complainant's husband. Tharun hit the defacto complainant's husband on his head with iron pipe and Kasi attacked him on his knee. Defacto complainant's husband fell down. Later, defacto complainant's son Gowtham and pangali Prakash and his wife Selvi tried to lift the defacto complainant's husband. Further, Ambika threw chilli powder on them. Selvam hit the defacto complainant's husband, prakash and his wife Selvi using Thonnai. Ambika hit Selvi with her hand and broke her shoulder. Then the accused made criminal intimidation showing thonnai and iron pipe. Defacto complainant lodged a complaint against the accused. Therefore, a case in Crime No. 318 of 2021 was registered for the offences under Sections 294(b), 324, 323, 506(2) of IPC. The copy of the wound certificate shows that, one Perumal aged about 53 years suffered the following injuries:



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1. *Sutured laceration wound of length 8 cms noted over left fronto parietal region*
2. *Contusion noted over left fronto parietal region*
3. *Ecchymosis and peri orbital edema noted over left eye.*

5. Injuries are grievous in nature. Thus, FIR allegations and wound certificate of the defacto complainant's husband clearly prove that, petitioners have committed cognizable offences against the defacto complainant, her husband and other family members. Respondent police is required to investigate the allegations made in the FIR and file appropriate final report. Therefore, this Court finds no merits in the claim of the petitioner for quashing the proceedings in Crime No.318 of 2021.

6. In that view of the matter, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

14.03.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

Sma

To

1. The Inspector of Police,
Tharamangalam Police Station,
Mallikuttai Village,
Salem District.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.

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