



Crl.O.P.No.6990 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE MR. JUSTICE Dr. G. JAYACHANDRAN

Crl.O.P.No.6990 of 2023

1. Madhu @ Madhumannan

2. Gayathri

... Petitioners

Vs.

1. The State Rep By,
Sub-Inspector of Police,
Palavanthangal Police Station,
Nanganallur, Chennai - 600 061.

2. R. Kesavakannan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to quash the FIR in Crime No.5 of 2023 on the file of 1st Respondent and thus render justice.

For Petitioner : Mr.M.Vijaya Kumar

For Respondents : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Criminal Side),
(for R1)

No Appearance (for R2)



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ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.5 of 2023 on the file of 1st Respondent and thus render justice.

2. The learned Counsel appearing for the petitioners would submit that the petitioners did not commit any offences as alleged in the impugned FIR. Without any base, the respondent Police registered a case as against the petitioners in Crime No.5 of 2023 for the offences under Sections 294(b), 323, 324 and 506(i) of IPC. He prayed to quash the same on the ground that it is a counter blast of the complaint given by the father of the first petitioner.

3. When the matter came up for consideration earlier, this Court directed the learned Government Advocate to furnish accident register copy and wound certificate given by the de-facto complainant, to verify whether the allegations made in the quash petition is prima facie acceptable or not.

4. Today when the matter is taken up for consideration, learned Government Advocate submitted that final report filed before Learned



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Judicial Magistrate, Alandur, in CC No.756 of 2023 is taken cognizance by

Learned Judicial Magistrate, Alandur, in CC No.756 of 2023. The statement of the Doctor who had treated the de-facto complainant and issued the medical certificate are enclosed as prosecution witness and prosecution documents. However, the learned counsel for the petitioner submits that the certified copies, applied and received, does not carry the statement of the Doctor or his certificate.

5. Learned Public Prosecutor showed the CD file which indicates that the statement of the Doctor who has treated the de-facto complainant / LW7 is available in the CD file, filed along with his medial certificate. Therefore, this Court is not venturing into, whether the copy of it was served to the accused or not. If not served, the learned Magistrate would look into the final report and document, and furnish it to the petitioner herein. As far as the allegation of counter complaint is concerned, the learned Government Advocate states that the counter complaint lodged against the de-facto complainant was also investigated and the offence is now taken cognizance in CC No. 759 of 2023 by the same Magistrate.

6. Perused the materials available on record.



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7. In the light of the above fact, it is open to the petitioner herein to agitate the points raised in the FIR quash petition in accordance with the law, based on the material available in the final report. Since it is the case in counter, the Trial Court shall take up both the cases for trial jointly and proceed further.

8. Accordingly, this Criminal Original Petition is disposed of.

01.11.2023

Index : Yes/No
Neutral Citation : Yes/No
sha

To

1.Sub-Inspector of Police,
Palavanthangal Police Station,
Nanganallur, Chennai - 600 061.

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



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Dr. G. JAYACHANDRAN. J.,

(sha)

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