



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5099 of 2021

And

Crl.M.P.Nos. 3250 & 3251 of 2021

1. Mr.Ali @ Haja Ali
2. Mr.Shahul @ Shahul Hameed
3. Mr.Yasar ... Petitioners/ 1 to 3 Accused

Vs

1. State Rep. By its
The Inspector of Police
N-3, Muthialpet Police Station
Chennai.
2. Ragunathan ...Respondents/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No. 123 of 2019 pending on the file of the 16th Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr. I.Abdul Basith

For 1st Respondent : Mr.A.Damodaran
Additional Public Prosecutor

For 2nd Respondent: No appearance

**ORDER**

WEB COPY This Petition is to quash the final report for the alleged offences under Sections 342, 323, 325, 506(i) read with 34 IPC.

2. It is alleged in the final report that the petitioners had attacked the defacto complainant with hands and caused grievous hurt; and that they committed the offences of criminal intimidation.

3. The learned counsel for the petitioners submitted that it is a case of case and counter. The defacto complainant had lodged the FIR which resulted in the impugned final report only after the petitioner had lodged the complaint in Crime No. 297 of 2018 against the defacto complainant and others for the offences under Sections 341, 147, 294(b), 323 and 506(i) of IPC. The learned counsel further submitted that the respondent police had not conducted the investigation in a fair manner and had mechanically filed charge sheet in both the complaints.

4. This Court on perusal of the impugned final report and the submissions made by the learned counsel for the petitioners, is of the view that the points



raised by the petitioners are factual in nature and has to be adjudicated during trial. Hence, this Court is not inclined to entertain the quash petition.

However, the appearance of the petitioners before the trial Court is dispensed with unless the learned Magistrate deems their appearance necessary for the progress of the trial. It is open to the petitioners to raise all the points before the trial Court.

5. With the above said observation, this Criminal Original Petition is dismissed. Consequently, connected CrI.M.P.No. 3250 of 2021 is closed and CrI.M.P.No. 3251 of 2021 is allowed.

28.03.2023

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Inspector of Police
N-3, Muthialpet Police Station
Chennai.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



4

SUNDER MOHAN. J.

vsg

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