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Crl.O.P.No.8850 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.8850 of 2023
and
Crl.M.P.No.5683 & 5685 of 2023

M.Sankar

... Petitioner

Vs.

1. The State by Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
Crime No.198 of 2021.

2. Venkatesh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.608 of 2022 on the file of the learned Judicial Magistrate No.I, Krishnagiri, Krishnagiri District and quash the same.

For Petitioner : Mr.D.Sivashanmugam

For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed to call for the records in C.C.No.608 of 2022 on the file of the learned Judicial Magistrate No.I, Krishnagiri, Krishnagiri District and quash the same.

2. The learned counsel for the petitioner submitted that, there is a case in Counter in Crime No.503 of 2022 registered against the 2nd respondent and two others for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC. It was the 2nd respondent and his family members, who had attacked the petitioner. Petitioner had suffered extensive injuries and he was treated in hospital. However, on the basis of the false complaint given by the 2nd respondent, FIR in Crime No.198 of 2021 was registered for the offences under Sections 294(b), 324 and 506(2) of IPC. After investigation, respondent police filed final report and the same was taken cognizance by the learned Judicial Magistrate No.I, Krishnagiri in C.C.No.608 of 2022. In the said circumstances, petitioner filed this petition for quashing the C.C.No.608 of 2022.



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3. In response, learned Government Advocate (Crl. Side) submitted that, in a fight between two parties, petitioner as well as one venkatesh (2nd respondent herein) had suffered injuries. Both the cases had been investigated and final report is filed. In support of the injuries suffered by the 2nd respondent Venkatesh, copy of the accident register is also filed.

4. Considered the rival submissions and perused the records. FIR allegations in Crime No.198 of 2021 shows that, at about 07.30.a.m., on 03.06.2021, petitioner had scolded the defacto complainant in filthy language. When the 2nd respondent, questioned as to why he was scolding him, petitioner had attacked the 2nd respondent with iron rod. Petitioner also made criminal intimidation to cause death of the 2nd respondent. Reiterating the allegations made in the FIR, 2nd respondent had given statement. The statement was supported by eye witness Parvathy, Sathya, Indhra, Sadhaby and also Thirumoorthy. The copy of the accident register also shows that, 2nd respondent had suffered grievous injuries in the incident. Therefore, this Court finds from the records produced commission of cognizable offence by the petitioner is made out for framing charges and for proceeding with the trial. Therefore, quashment of the proceedings in C.C.No.608 of 2022 cannot be entertained.



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5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

27.06.2023

Internet: Yes

Index: Yes/No

Sma

To:

1. Judicial Magistrate -I,
Krishnagiri.
2. Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
sma

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