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Crl.O.P.No.6244 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.6244 of 2023

and

Crl.M.P.Nos.3895 & 3896 of 2023

K.Chandran

...Petitioners

vs.

1.State Rep by,
The Sub-Inspector of Police
Negamam Police Station,
Coimbatore District,
(Crime No.327 of 2021)

2.S.Radhamani

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.766 of 2022 on the file of the Judicial Magistrate II, Pollachi, Coimbatore District and quash the same.

For Petitioners : Mr.C.Sivakumar

For Respondents : Mr.A.Gopinath,
Government Advocate, for R1
No appearance for R2



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ORDER

This Criminal Original Petition has been filed to call for the records relating to C.C.No.766 of 2022 on the file of the Judicial Magistrate II, Pollachi, Coimbatore District and quash the same.

2. The second respondent lodged a complaint before the first respondent by stating that her husband/Senthil Kumar was doing painting work on daily basis. On 03.07.2023, he was painting in the house belonging to the petitioner (A1). At that time, the Engineer/Suresh Kumar (A2), who was in-charge of the renovation of the house, seems to have sought for help of injured/Senthil Kumar to lift a slab stone. He carried the slab stone in a wooden ladder and at that time the ladder broke, due to which Senthil Kumar fell down and sustained injuries in his leg.

3. Based on this complaint, an FIR came to be registered in Crime No.327 of 2021 by the first respondent. Initially, the FIR was registered only against the Engineer/Suresh Kumar. At the time of filing of the final report, the petitioner had been added as accused (A1) on the ground that he is the owner of the property. The final report was taken on file by the Court below in C.C.No.766 of



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2022 and the same has been put to challenge by the A1 in this petition.

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4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the first respondent and perused the materials available on record.

5. On carefully going through of the final report and also the 161 statement, which was recorded from the second respondent as well as injured/Senthil Kumar, it is seen that the petitioner had nothing to do with the entire incident and it was the Engineer/Suresh Kumar, who engaged the service of he injured/Senthil Kumar to lift the slab stone. The petitioner has been added as accused only on the ground that he is the owner of the property, where the renovation work was going on. Therefore, the continuation of proceedings as against the petitioner (A1) will amount to abuse of process of Court and the same requires the interference of this Court in exercise of its jurisdiction under Section 482 of the Code of Criminal Procedure.

6. In the light of the above discussion, this Criminal Original Petition is allowed and C.C.No.766 of 2022 on the file of the Judicial Magistrate II, Pollachi, Coimbatore District is quashed. No cost. Consequently, the connected



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miscellaneous petitions are also closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

- 1.The Sub-Inspector of Police
Negamam Police Station,
Coimbatore District,
(Crime No.327 of 2021)
- 2.The Judicial Magistrate II,
Pollachi, Coimbatore District
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N. ANAND VENKATESH, J.

nsa

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