



Crl.O.P.No.6623 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 24.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6623 of 2023

and

Crl.M.P.Nos.4151 and 4152 of 2023

1.G.Vivekanandan
2.V.Sandeep
3.D.Munirathinam
4.Allirani

... Petitioners

Vs.

1.The Inspector of Police,
Pernambut Police Station,
Vellore District.

2.R.Shyam sundar

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in C.C.No.84 of 2020 on the file of Judicial Magistrate at Gudiyatham and quash the same and pass such further or other orders.



Crl.O.P.No.6623 of 2023

For Petitioners : Mr.L.K.Manjunath

For R-1 : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed call for the records in C.C.No.84 of 2020 on the file of Judicial Magistrate at Gudiyatham and quash the same and pass such further or other orders.

2. It is the submission of the learned counsel for the petitioner that there is a civil suit pending between the parties in connection with the property dispute and on that basis, a false case is foisted against the petitioner. A3 is shown as witness No.7 in the final report. There is a delay of four days in giving the complaint. For all these reasons, it is submitted by the learned counsel for the petitioner that the case in C.C.No.84 of 2020 has to be quashed.

3. In response, learned Government Advocate (Criminal side) submitted that, defacto complainant suffered injuries in the incident. Final report is filed



Crl.O.P.No.6623 of 2023

and trial has to commence. He further submitted that A3 is not shown as Witness

No.7. A3 and Witness No.7 are two different persons.

4. Considered the rival submissions and perused the records.

5. It is seen from the First Information report allegations and final report that, on 26.06.2018 at about 02.30 pm, when the defacto complainant was burning dry coconut leaves in his land, accused had scolded him in filthy language and started hitting him with stones and bricks. As a result, defacto complainant suffered injuries at his left leg and lower hip. When he came out of his land, Munirathinam hit him at his right jaw and back with wooden log. All the accused made death threat. On the basis of this complaint, First Information Report came to be registered for the offences under Sections 294(b), 323, 324 and 506(2) of IPC. After investigation, final report is filed and now, it is pending in C.C.No.84 of 2020 on the file of learned Judicial Magistrate, Gudiyatham.



Crl.O.P.No.6623 of 2023

6. It is seen that PW1 had reiterated the complaint allegations in his statement. Accident Register also confirms that, defacto complainant suffered injuries in the incident and the injuries are simple in nature. It *prima-facie* establishes the prosecution case and therefore, there are materials available for presuming that, the accused committed the offences for framing the charges under Section 240 of Cr.P.C and proceed with the trial.

7. The submission of the learned counsel for the petitioner that there is a delay of four days in giving the complaint and that A3 is shown as witnesses No.7 in the final report are matters to be canvassed before the Trial Court. Those aspects cannot be considered now. There is no merit in this case for quashing C.C.No.84 of 2020. Therefore, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

24.03.2023

Internet : Yes / No
Index : Yes / No
Speaking/Non speaking order
gd

4/6



Crl.O.P.No.6623 of 2023

WEB COPY

- To
1. The Judicial Magistrate, Gudiyatham.
 2. The Inspector of Police,
Pernambut Police Station,
Vellore District.
 3. The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.O.P.No.6623 of 2023

G.CHANDRASEKHARAN,J.

gd

Crl.O.P.No.6623 of 2023

24.03.2023