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CrI.O.P.No.9136 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.9136 of 2023

and

CrI.M.P.Nos.5872 and 5873 of 2023

S.Muruganantham

...Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Thiruthiraipoondi Police Station,
Tiruvarur District – 614 713.
(Crime No.144 of 2019)

2.S.John Victor

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records to quash the CC.No.25 of 2023 on the file of learned Judicial Magistrate at Thiruthiraipoondi, Tiruvarur District.

For Petitioner : Mr.K.Krishna

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal side)

ORDER



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This Criminal Original Petition is filed to call for the records to quash the CC.No.25 of 2023 on the file of learned Judicial Magistrate at Thiruthiraipoondi, Tiruvarur District.

2. It is the submission of the learned counsel for the petitioner that, on the basis of the false complaint given by defacto complainant, First Information Report in Crime No.144 of 2019 was registered for the offences under Sections 341, 353, 294(b) and 506(i) IPC. It is his further submission that, petitioner was also attacked by defacto complainant in the incident. The complaint given by the petitioner was not received by the respondent police, therefore, petitioner gave a private complaint under Section 153(3) of Cr.P.C before the learned Judicial Magistrate. Thiruthiraipoondi. The learned Judicial Magistrate passed an Order on 02.07.2021 directing the Inspector of Police, Thiruthiraipoondi to conduct an enquiry under Section 202 of Cr.P.C and file a report before the Court within a period of two weeks from the date of Order. As directed by the learned Judicial Magistrate, the report is not filed and First information Report is also not registered. In the said circumstances, this Criminal Original Petition is filed.



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3. Learned Government Advocate (Criminal side) submitted that, Statement of Witnesses and other materials produced along with the final report corroborates with each other and the Final Report allegations requires trial in this case.

4. Considered the rival submission and perused the records.

5. The First Information Report allegations show that, when the officials of Electricity Board Department engaged in installation of new power line at about 10.30 am on 02.03.2019, petitioner had obstructed them from working and abused them in filthy language. In the said circumstances, complaint was given by the defacto complainant namely S.John Victor and First Information Report came to be registered. After investigation, final report was also filed.

6. The First Information Report and Statement of Witnesses corroborates with each other with regard to commission of cognizable offence. It requires trial in this case, on the allegations made against the petitioner. If the Inspector of Police has not conducted the enquiry and submitted the same before the Court, as ordered by the learned Judicial Magistrate,



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Thiruthiraipoondi, petitioner is advised to approach the learned Judicial Magistrate, Thiruthiraipoondi for further appropriate action. However, on facts of the case, this Court is of the view that, there are enough materials available for proceeding with the trial of this case for the offences under Sections 341, 353, 294(b) and 506(i) IPC, mentioned in the final report.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

26.04.2023

Internet :Yes
Index :Yes/No

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1. The Judicial Magistrate,
Thiruthiraipoondi,
Tiruvarur District.
2. The Inspector of Police,
Thiruthiraipoondi Police Station,
Tiruvarur District – 614 713.
3. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN, J.

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