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Crl.O.P.No.9945 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.9945 of 2023

and

Crl.M.P.No.6551 of 2023

1.K.Venugopal
2.V.Vignesh
3.V.Sagunthala

... Petitioners

Vs.

1.The State represented by,
The Inspector of Police,
Thiruvalem Police Station,
Vellore District.

2.Aravind

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records relating to the case in Crime No.14 of 2023 on the file of 1st respondent police and quash the same.

For Petitioners : Mr.B.Senthilkumar

For R-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to call for the entire records relating to the case in Crime No.14 of 2023 on the file of 1st respondent police and quash the same.

2. It is the submission of the learned counsel for the petitioner that, there are two complaints and two first information reports. On the basis of the complaint given by one Arvind, first information report in Crime No.14 of 2023 was registered for the offences under Sections 294(b), 323, 324 and 506(ii) IPC. The allegations made in the complainant are totally false. On the basis of the complaint given by the 2nd petitioner V.Vignesh, first information report in Crime No.13 of 2023 was registered for the offences under Sections 294(b), 323, 324 and 506(ii) IPC. In fact, the accused in Crime No.13 of 2023 trespassed into the house of the petitioners and brutally attacked the family members including women. There is a delay in giving the complaint and registration of first information report.

3. In response, learned Government Advocate (Criminal side) submitted that, both cases were registered, on the basis of the complaint given against



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each other. The investigation in these cases are almost completed and final report will be filed in due course. Therefore, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

5. It is seen from the allegations in the first information report in Crime No.14 of 2023 registered on the basis of the complaint given by one Arvind, that, there is a previous enmity between K.Venugopal in connection with the missing of two goats of Venugopal. On 18.01.2023, Arvind's father-in-law's bulls were standing in the land belong to known persons. When those bulls were grazing at about 5.30 p.m., Arvind's wife Priyanka was scolded in filthy language by Venugopal, alleging that, bulls had grazed the crops in the land of Venugopal. When Aravind questioned this, Venugopal hit him with iron pipe on his head. When his father-in-law and Sarala intervened, Ashok was hit by Venugopal. All the accused made criminal intimidation.

5.1. On the other hand, in the first information Report allegations in Crime No.13 of 2023, it was alleged that, accused namely Pandian, Aravind, Ashok and Praveen Kumar came to the house of the Vignesh and attacked



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Vignesh and his mother using iron pipe and wooden log.

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5.2. As already stated, on the basis of the complaint given by defacto complainant, in both the cases, first information reports were registered for the offences under Sections 294(b), 323, 324 and 506(ii) IPC. Apparently these cases are counter cases. The incident had taken place at two different places with a gap of 30 minutes between the two incidents. First information report allegations clearly make out commission of cognizable offence committed by the accused. The allegations have to be necessarily investigated by the police, for the reason that, both the parties suffered injuries in the incident. Therefore, there is no merit in the prayer seeking quashment of first information report in Crime No.14 of 2023 on the file of 1st respondent police.

6. Accordingly, this Criminal Original Petition is dismissed.
Consequently, the connected Miscellaneous Petition is closed.

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Index:Yes/No
Speaking/Non speaking order
gd



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- 1.The Inspector of Police,
Thiruvalam Police Station,
Vellore District.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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