



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2023

Coram:

The Hon'ble Mr.Justice V.SIVAGNANAM

**Crl.O.P.No.18491 of 2021
and Crl.M.P.Nos.10141 & 10142 of 2021**

- 1.Poongavanam
- 2.Prasanth
- 3.Manikandan
- 4.Hari Krishnan

...Petitioners

Versus

- 1.State Rep. by
The Sub Inspector of Police,
Vandavasi North Police Station,
Thiruvannamalai District.
(Crime No.262/2016)
- 2.Saminathan

...Respondents

This Criminal Original Petition is filed under Section 482 of Cr.P.C praying to call for the records and quash the charges as against these petitioners herein in C.C.No.17 of 2020 on the file of learned Judicial Magistrate, Vandavasi, Thiruvannamalai District.

For Petitioners	:	Mr.S.Panneer Selvan
For Respondent - 1	:	Mr.V.J.Priyadarsana
		Government Advocate (Crl.Side)
For Respondent – 2	:	Mr.V.R.Appaswamee



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ORDER

This criminal original petition has been filed by the petitioners seeking to quash the criminal proceedings against them in C.C.No.17 of 2020 on the file of Judicial Magistrate Court, Vandavasi, Thiruvannamalai District.

2. The brief facts of the case are as follows:

There was a civil dispute between the petitioners and the 2nd respondent/de-facto complainant. On 21.12.2016, the 1st petitioner abused the 2nd respondent/de-facto complainant in a filthy language and assaulted him with hands and the 2nd petitioner pushed the 2nd respondent/de-facto complainant down. Similarly, the petitioners 3 & 4 assaulted one Prasath (son of 2nd respondent/de-facto complainant) with their hands. That apart, the petitioners threatened the 2nd respondent/de-facto complainant and his son. Hence, the aggrieved 2nd respondent/de-facto complainant had lodged a complaint against the petitioners. On the basis of the complaint given by the 2nd respondent/de-facto complainant, the 1st respondent police had registered a case in Crime No.262 of 2016 against the petitioners for the offence under Sections 294(b), 323 & 506(i) of I.P.C and after the completion of



investigation, the 1st respondent police had filed a Final Report before the learned Judicial Magistrate, Vandavasi which was taken on file in C.C.No.17 of 2020. Aggrieved over the same, the petitioners have filed the present petition before this Court.

3. The learned counsel for the petitioners submitted that this is a case of complaint and counter complaint. Merely based on the complaint given by the 2nd respondent/de-facto complainant, the 1st respondent police had registered FIR against the petitioners in Crime No.262 of 2016. Thereafter, the 1st respondent police had filed Final Report before the learned Judicial Magistrate, Vandavasi and the said Final Report was taken on file in C.C.No.17 of 2020. As a counter action, the petitioners had also lodged a criminal complaint against the 2nd respondent/de-facto complainant and his son. Pursuant to the complaint given by the petitioners, the 1st respondent police had registered FIR in Crime No.263 of 2016 against the 2nd respondent/de-facto complainant and his son. However, the 1st respondent police had not filed the Final Report in regard to Crime No.263 of 2016. Hence, the learned Judicial Magistrate, Vandavasi, Thiruvannamalai District



vide order dated 11.05.2021 in C.M.P.No.1377 of 2021, closed the FIR in Crime No.263 of 2016 under Section 468(2) of Cr.P.C. A photocopy of the said order has also been produced before this Court. He further submitted that the dispute between the petitioners and the 2nd respondent/de-facto complainant is purely civil in nature, but, the 2nd respondent/de-facto complainant had willfully lodged a criminal complaint against the petitioners. Therefore, the learned counsel prayed this Court to quash the proceedings in C.C.No.17 of 2020 on the file of Judicial Magistrate Court, Vandavasi, Thiruvannamalai District.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent police and the learned counsel appearing for the 2nd respondent/de-facto complainant submitted in unison that on 21.12.2016, the 2nd respondent/de-facto complainant and his son Prasath were assaulted by the petitioners/accused, due to which, 2nd respondent/de-facto complainant and his son had sustained simple injuries which was evident from the statement given by L.W.7 (Dr.Anandhan who gave treatment to 2nd respondent/de-facto complainant and his son Prasath). They further



submitted that the case in C.C.No.17 of 2020 on the file of Judicial Magistrate Court, Vandavasi, Thiruvannamalai District is pending for trial and fresh summons have been issued to L.W.1 to L.W.5 and that the proceedings in C.C.No.17 of 2020 on the file of Judicial Magistrate Court, Vandavasi, Thiruvannamalai District may not be quashed at this stage. Therefore, they prayed for dismissal of this petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. From a perusal of the materials on record, it is seen that in pursuance of the complaint given by the 2nd respondent/de-facto complainant, the 1st respondent police had registered FIR in Crime No.262 of 2016 against the petitioners for the offence under Sections 294(b), 323 & 506(i) of I.P.C and after the completion of investigation, the 1st respondent police had filed the Final Report before the learned Judicial Magistrate, Vandavasi which was taken on file in C.C.No.17 of 2020. It is also seen that the petitioners had also lodged a counter complaint against the 2nd



respondent/de-facto complainant and his son Prasath and on the basis of said complaint, the 1st respondent police had registered FIR in Crime No.263 of 2016, but, as regards Crime No.263 of 2016, Final Report was not file by the 1st respondent police. Hence, the learned Judicial Magistrate, Vandavasi, Thiruvannamalai District vide order dated 11.05.2021, closed the FIR in Crime No.263 of 2016 under Section 468(2) of Cr.P.C.

7. As regards the case in C.C.No.17 of 2020 on the file of Judicial Magistrate Court, Vandavasi, the prosecution had cited 8 witnesses, out of which, the most important witnesses are L.W.1 (2nd respondent/de-facto complainant); L.W.2 (son of 2nd respondent/de-facto complainant) and L.W.7 (Doctor who gave treatment to the 2nd respondent/de-facto complainant & his son). During examination, L.W.1 & L.W.2 have stated the manner in which they were assaulted by the petitioners/accused and L.W.7 has stated about the nature of injuries sustained by the 2nd respondent/de-facto complainant and his son.

8. Considering the facts and circumstances of the case and having



regard to the submissions made by the learned counsel on either side, this Court is of the opinion that so far as this case is concerned, the truthfulness of the witnesses has to be analyzed by the trial Magistrate. Hence, it is inappropriate to quash the criminal proceedings against the petitioners before the commencement of trial. That apart, while exercising the powers under Section 482 of Cr.P.C, the High Court cannot analyze the truthfulness of witnesses.

9. For the foregoing reasons, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

21.08.2023

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Index: Yes/No

Speaking Order (or) Non-Speaking Order



To
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1. The Judicial Magistrate,
Vandavasi, Thiruvannamalai District.
2. The Sub Inspector of Police,
Vandavasi North Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM, J.

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