



CrI.O.P.No. 34063 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No. 34063 of 2019

and

CrI.M.P.No.18823 of 2019

1. A.Sathish
2. Ammasi
3. Vijayan
4. Prakash

.... Petitioners

Vs

1. State
Rep. by Inspector of Police,
Kolathur Police Station,
Salem District.

2. K.Clinton

.... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.71 of 2018 on the file of the Judicial Magistrate No.I, Mettur and quash the same

For Petitioner : No appearance

For R1 : Mr.L.Baskaran
Government Advocate (CrI.Side)

For R2 : No appearance



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.71 of 2018 on the file of the Judicial Magistrate No.I, Mettur.

2. On the complaint lodged by the second respondent, the first respondent registered FIR in Crime No.100 of 2017 for the offences under Sections 296(b), 323 and 324 of IPC. The crux of the complaint is that due to previous enmity, the victim was attacked by the accused by a wooden log. Therefore, he sustained injury. When it was prevented by other persons, they were also sustained injuries. Hence, the complaint.

3. After completion of investigation, the first respondent filed final report, thereby closed the FIR as “Mistake of Fact” on the ground that there was previous enmity between both families. Both families are close relatives, due to which, a false complaint has been lodged. There was push and pull and the victim was under influence of alcohol, he fell down and sustained injury. After receipt of Referred Charge Sheet notice, the second respondent filed a protest petition. The



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learned Judicial Magistrate No.I, Mettur, mechanically taken cognizance for those offences and issued summons to the petitioners.

4. On perusal of the closure report submitted by the first respondent, it is very clear that the second respondent was under influence of alcohol and fell down. Admittedly, both families are close relatives and as such, the first respondent rightly closed the FIR as “Mistake of Fact”. Therefore, the entire proceedings cannot be sustained and it is liable to be quashed

5. In view of the above discussions, the proceedings in C.C.No.71 of 2018 on the file of the Judicial Magistrate No.I, Mettur, is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

16.11.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp



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To

WEB COPY

1. The Judicial Magistrate No.I,
Mettur.
2. The Inspector of Police,
Kolathur Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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