



*Crl.O.P.No.26836 of 2019
and Crl.MP.Nos.14299 & 14302 of 2019*

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.26836 of 2019
and
Crl.MP.Nos.14299 & 14302 of 2019

L.Selvaraj

... Petitioner

-Vs-

1. State rep. by the Inspector of Police,
Tiruppur North Police Station,
Tiruppur.

2. Palaniammal

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to call for the records relating to proceedings in PRC.No.14 of 2014 on the file of Judicial Magistrate No.1, Tiruppur and quash the same.

For Petitioner : Mr.P.Paramasivadoss
for Mr.K.Sathish

For Respondents : Mr.A.Gopinath
Govt. Advocate (Crl.Side) for R1
R2-No Appearance



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the case in PRC.No.14 of 2014 on the file of the learned Judicial Magistrate No.1, Tiruppur and quash the same.

2. The petitioner is the first accused. The *defacto* complainant has given a detailed complaint, wherein, she has stated about the manner of the occurrence that has been substantiated in her statement as well. The statement of the *defacto* complainant would show that there are ingredients to make out the offences under Sections 294(b), 307, 323 & 506(ii) IPC.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent. Perused the entire materials available on record.

4. The learned counsel for the petitioner submitted that it is a false case given by the *defacto* complainant and her husband. In fact, the complaint has been given just to wreck vengeance against the petitioner, who had purchased the property belonging to the husband of the *defacto* complainant. The discharge summary of the *defacto* complainant does not show that any serious injury has been sustained by her in order to make out



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an offence under Section 307 IPC. The discharge summary and the wound certificate are the part of the materials, which would support the case of the prosecution for the offence under Section 307 IPC. Apart from that, the motive and the manner in which the occurrence had taken place should also be considered in a holistic manner. Apart from the statements of the injured witnesses, the eye-witnesses have also given statement supporting the case of the prosecution. It is not a case, which does not disclose any materials to make out any criminal case against the petitioner. The learned counsel for the petitioner further submitted that LW-1 & LW-2 are no more and it is not necessary to subject the accused to undergo the ordeal of trial.

5. Even if the injured witnesses are no more, the other witnesses, who had given statements and their examination also can be relevant for the trial. In such circumstances, I do not find that the case is made out for admitting the same.

6. In the result, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are also closed.

21.02.2023

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R.N.MANJULA, J

kmi

To

1. The Judicial Magistrate-I,
Tiruppur.
2. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
3. The Public Prosecutor,
High Court of Madras
Chennai-600 104.

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