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Crl.O.P.No.22704 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22704 of 2023
and
Crl.M.P. Nos.15868 & 15870 of 2023

- 1.K.Sakthivel
- 2.K.Saravanan
- 3.S.Sivasankari
- 4.K.Kaliyammal

... Petitioners

-VS-

- 1.The State rep by
The Inspector of Police,
Andimadam Police Station,
Ariyalur District.
(Crime No.97/2021)

- 2.K.Murugan

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to charge sheet C.C. No.53 of 2023, on the file of the learned Judicial Magistrate -II, Jayamkondam, Ariyalur District and quash the same.



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For Petitioner : Mr.R.Naresh Kumar
For Respondent 1 : Mr.S.Udayakumar,
Government Advocate (Crl.Side)

ORDER

The petitioners herein are accused in C.C. No.53 of 2013 on the file of the learned Judicial Magistrate No.II, Jayamkondam, Ariyalur District.

2. The learned counsel appearing for the petitioners submitted that on 13.01.2021, there was a dispute between the defacto complainant and the petitioners regarding property on which a civil suit is already pending. In the said dispute, the defacto complainant Murugan sustained simple injury and also the second accused/Saravanan. Though both sustained injury, the Police has registered the FIR only against the petitioners after 5 days of the occurrence and proceeded with the investigation. Whereas, the injury sustained by the second petitioner Saravanan has not taken note by the respondent police.

3. The learned Government Advocate (Crl.Side) submitted that on 13.01.2021 at about 07.45 am, when the Tulasi Plant in front of the house was removed by the defacto complainant, the petitioners herein due to previous enmity came with iron and wooden rods, took quarrel with Murugan and caused simple injury on his left finger and knee of both legs. Since statement of witnesses had attributed specific overtact against this four petitioners, final



report under Sections 294(b), 324 and 506(ii) of IPC as against A1, under Sections 324 and 506(ii) of IPC as against A2 and under Section 294(b) IPC as against A3 and A4 been filed and the same has been taken cognizance by the trial Court. Whereas, the second petitioner herein though had treated as outpatient in Andimadam Primary Health Centre complaining giddiness, the OP seat indicates that the second petitioner was advised to take CT scan of brain at JKM Government Hospital. But the said Saravanan has not got admitted in the GH as recommended by the Doctor, which indicates that his giddiness has nothing to do with the overtact of Murugan/the defacto complainant in the case which the petitioners facing trial.

4. On hearing, the learned counsels and perusing the records, this Court finds that the incident alleged to have been occurred on 13.01.2021 at 7.45 am, was not denied by the petitioners, the injury sustained by the defacto complainant Murugan is reflected in the Accident Register relied by the prosecution and the statement given by the Doctor. Though no opinion regarding the injury been given by the Doctor, the factum of injury is recorded in the Accident Register that swelling over the Ankle Joint of the left leg, laceration over the Right Chin, swelling on both knee of the legs, contusion were noticed by the Doctor on the body of Murugan. Therefore, this Court



finds that it is not a case to quash the final report as prayed by this petitioners.

Hence, the petition is ***dismissed***. The trial Court is directed to complete the trial within a period of three months from the date of receipt of the copy of this order. Connected Miscellaneous Petitions are also dismissed.

20.11.2023

Internet : Yes/No

Index : Yes/No

rkp

To

- 1.The Inspector of Police,
Andimadam Police Station,
Ariyalur District.
2. The Judicial Magistrate -II, Jayamkondam,
Ariyalur District.
- 3.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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