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Crl.O.P.No.24045 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24045 of 2023

and

Crl.M.P.Nos.16708 & 16709 of 2023

1. Parimala Devi

2. Kamalraji

... Petitioners

Vs.

1. The State Represented by,
Sub-Inspector of Police,
T-1, Ambathur Police Station,
Ambathur.

2. Sivasankar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the record to quash the C.C.No.105 of 2019 on the file of the learned Judicial Magistrate, Ambathur and quash the same.

For Petitioner : Mr.P.Manikannan

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



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ORDER

Petitioner seeks quashing the criminal complaint registered under Sections 294(b), 324, 506(2), 34, 447 of IPC.

2. The final report indicates that, petitioner herein pursuant to the property dispute had picked quarrel with the defacto complainant on 07.09.2018 at about 8 hrs and attacked the defacto complainant on his knee with wooden log. Pursuant to the FIR, respondent police has investigated the matter and filed final report.

3. The learned counsel for the petitioner submitted that, no such incident happened on the alleged day and though the Doctors who had treated the defacto complainant had certified that it was a simple injuries, Police has taken it is a grievous injuries and altered the injuries.

4. The learned counsel for the petitioner also referring the statement of the LW8 (Doctor alleged to have treated the injured) submitted that, injured got treatment from her on 07.08.2018 at about 9 hrs during the night and the Accident Register was registered by her. Whereas, it is stated in the printed FIR that, respondent police received information on 08.09.2018 at about 20 hours. Whereas, in the narration, it is stated that, on 07.09.2018 at



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about 11.15 hrs., the Sub Inspector of Police, Ambattur Police Station received telephonic information from Mahalakshmi Hospital about the admission of one Sivasankaran as in-patient. Respondent Police visited the hospital and recorded the statement of the injured. Hence, disputing the time, learned counsel for the petitioner seeks quashing of the case against the petitioners.

5. The learned Government Advocate (CrI. Side) submitted that, based on the complaint received from the Mahalakshmi Hospital, the Sub Inspector of Police registered the FIR and taken up the case for investigation. The statement of the witnesses including the Doctor, who treated the injured indicates that the defacto complainant had sustained injuries at the hands of the petitioner. Therefore, case cannot be quashed for the reason stated in the petition.

6. The discrepancies in the date and time as found in the FIR and the statement of the witnesses recorded under Section 161 of Cr.P.C cannot be a reason for quashing the criminal complaint. The statement and content of the FIR has to be tested during the trial. It is a case where between the relatives due to property dispute, attacked each other. On 07.09.2018, injured defacto complainant Sivasankaran got admitted in the hospital and



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treated. The nature of injuries as per the Doctor appears to be simple in nature. The final report against these petitioners was altered for the offence under Sections 294(b), 324, 506(2), 34, 447 of IPC. Since there are materials to proceed, petition to quash the final report is unsustainable.

4. Accordingly, this Criminal Original Petition is dismissed. From the records, this Court finds that, incident has take place during the month of September 2018, for which investigation completed, final report filed and taken on file in C.C.No.105 of 2019 by the learned Judicial Magistrate, Ambattur, but the trial not yet completed. Therefore, the learned Judicial Magistrate is directed to give priority to this case and complete the trial as expeditiously as possible, preferably, within a period of three months from the date of receipt of copy of the order. Consequently, connected miscellaneous petitions are closed.

09.11.2023

Index : Yes/No
Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN,J.

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CrI.O.P.No.24045 of 2

To

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1. Sub-Inspector of Police,
T-1, Ambathur Police Station,
Ambathur.
2. The Public Prosecutor,
Madras High Court.

CrI.O.P.No.24045 of 2023

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