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Crl.OP.No.32689 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32689 of 2022

and

Crl.M.P.No.20191 of 2022

Kingston Kamalesan

Vs.

... Petitioner

1.The State of Tamil Nadu,
represented by the Inspector of Police,
G-3, Kilpauk Police Station,
Kilpauk, Chennai – 600010.

2.S.Gowtham

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to quash the FIR in Crime No.305 of 2022 on the file 1st respondent, the Inspector of Police, G-3, Kilpauk Police Station, Kilpauk, Chennai – 600 010.

For Petitioner : Mr.L.J.Vengatesh

For R-1 : Mr.S.Santhosh
Government Advocate (Criminal Side)



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ORDER

The Criminal Original Petition is filed for quashing the First Information Report in Crime No.305 of 2022 on the file 1st respondent, the Inspector of Police, G-3, Kilpauk Police Station, Kilpauk, Chennai – 600 010.

2. The learned counsel for the petitioner submitted that in the First Information Report, it is alleged that the defacto complainant had given a complaint on 06.11.2022. For the incident said to have happened on 05.11.2022, the First Information Report was registered only on 08.11.2022. The petitioner had also given a complaint against the defacto complainant on 05.11.2022. However, no First Information Report was registered on the basis of the petitioner's complaint, whereas a CSR.No.895 of 2022 was registered. He further submitted that the First Information Report allegations will not make out a case under Section 294 (b) of IPC for the reason that, there is no specific reference about the abusive words used by the petitioner. That apart, when the defacto complainant claims that he suffered the dislocation of the right shoulder, he was



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expected to take treatment at KMC Hospital and not to go to some other Hospital, which is far away from the place of incident. Thus, he prays for quashment of the First Information Report in Crime No.305 of 2022 on the file 1st respondent, the Inspector of Police, G-3, Kilpauk Police Station, Kilpauk, Chennai – 600 010.

3. Per contra, learned Government Advocate (Criminal Side) submitted that the investigation in this case is completed and final report will be ready in two weeks and it will be filed before the concerned Judicial Magistrate Court. He further submitted that in the 161 statement recorded by the respondent police, the defacto complainant clearly stated what are all the abusive words used by the petitioner during the course of occurrence. The defacto complainant got treatment in a private Hospital and the medical certificate was obtained to support the registration of the case under Section 323 of IPC. He further submitted that an enquiry in CSR.No.895 of 2022 is still pending. Therefore, he prays for the dismissal of this petition.



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4. Considered the rival submissions of the parties and perused the materials placed on record.

5. This Court, on going through the records and submissions of the learned counsel appearing for the parties, finds that there is a specific allegation made against the petitioner in the First Information Report that the petitioner used abusive words against the defacto complainant in the public place and that he had suffered dislocation of shoulder because of the hitting of defacto complainant's two wheeler with the petitioner's car. It is now stated by the learned Government Advocate (Criminal Side) that in the 161 (3) certificate, the defacto complainant had given specific details about the abusive words used by the petitioner against him. He has also claimed that medical certificate was also obtained for supporting the registration of the case under Section 323 of IPC. Therefore, this Court finds that there is no merit in the claim of the petitioner seeking for quashment of the First Information Report in Crime No.305 of 2022 on the file 1st respondent, the Inspector of Police, G-3, Kilpauk Police Station, Kilpauk, Chennai – 600 010.s. In view of the matter, this Criminal Original



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Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

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G.CHANDRASEKHARAN,J.

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To

1.The Inspector of Police,
G-3, Kilpauk Police Station,
Kilpauk, Chennai – 600010.

2.The Public Prosecutor,
Madras High Court.

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