



Crl.OP.No.31682 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31682 of 2022

and

Crl.M.P.No.19391 of 2022

1. P.Ashok @ Sokkan

2. A.Arulkumar

3. A.Ponnal

... Petitioners

Vs.

1.State Rep by
The Inspector of Police,
Nangavalli Police Station,
Mettur Taluk,
Salem

2. P.Sithuraj

.... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent call for the records of the FIR No.222 of 2022 dated 22.08.2022 on the file of the 1st respondent police and quash the same.

For Petitioners
For Respondent

: M/s. S.Vijayakumar
: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent to call for the records of the FIR No.222 of 2022 dated 22.08.2022 on the file of the 1st respondent police and quash the same.

2. The learned counsel for the petitioner submitted that, on the basis of the complaint given by one Sithuraj, false and frivolous case in Crime No.222 of 2022 was registered for the offence under Sections 294(b), 447, 324 and 506(2) of IPC against the petitioners. Petitioners are not at all involved in alleged offence and it is a motivated complaint. 2nd petitioner is a visually challenged person with 100% visual disability. It is impossible that, he had participated in attacking the defacto complaint. Therefore, this petition.

3. In response, learned Government Advocate (Crl. Side) submitted that the accused had involved in the alleged offence and therefore, FIR in Crime No. 222 of 2022 was registered and the case is being investigated. He further submitted that, though 2nd petitioner filed disability certificate to show that, he is a visually challenged, in reality, he is not a totally visually challenged person.



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The complaint allegations and the statements of eye-witnesses show that all the three accused had committed the offences alleged in the FIR.

4. Considered the rival submissions and perused the records. The reading of the FIR shows that, on 14.08.2022 at about 03.15.p.m., defacto complainant and his wife were in their house. Accused had come to their house and started scolding them in filthy language. Accused Arul Kumar, on the influence of the alcohol started attacking the defacto complainant at his left wrist and right thigh using a knife. He was also attacked with iron rod and also had thrown the bricks on them. Accused Arul Kumar made criminal intimidation and death threat. Therefore, case came to be registered. Complaint allegations are supported by the statements of the defacto complainant and eye witnesses. As of now, there are materials to support the case of the prosecution. Submission of the learned counsel for the petitioner that 2nd petitioner is a visually challenged person and he could not have participated in the alleged occurrence is to be considered only during the trial. This aspect cannot be considered now. In, this view of the matter, this Court finds no merits in this petition.



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5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

08.03.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1.The Inspector of Police,
Nangavalli Police Station,
Mettur Taluk,
Salem

2.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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