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Crl.OP.No.32612 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

CORAM

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

Crl.O.P.No.32612 of 2022 and  
Crl.M.P.No.20115 of 2022

E.Rajesh .. Petitioner

vs

1. The Inspector of Police  
Tiruvannamalai East  
Tiruvannamalai  
[F.I.R.No.376 of 2017]

2. Kuttiyammal .. Respondents

**PRAYER:** This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to F.I.R No.376 of 2017 pending on the file of the Inspector of Police, Tiruvannamalai East, Tiruvannamalai and quash the same.

For Petitioner : Mr.M.Vijay Anand  
For Respondents : Mr.S.Santhosh (For R1)  
Government Advocate (Crl side)

**ORDER**

This Criminal Original Petition has been filed to call for the records



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relating to F.I.R No.376 of 2017 pending on the file of the Inspector of Police,  
Tiruvannamalai East, Tiruvannamalai and quash the same.

2.The learned counsel for the petitioner submitted that there is a previous enmity between the defacto-complainant and the petitioner and therefore petitioner is falsely implicated in this case. He also submitted that there is no specific overtact alleged against the petitioner. Thus, he prayed for quashing of the case in F.I.R.No.376 of 2017.

3.The learned Government Advocate (Criminal side) submitted that investigation in this case is still pending. The First Information Report allegations clearly make out cognizable case against the petitioner and others for unlawful assembly and commission of other offences including causing hurt and assault to others.

4.Heard the rival submissions and perused the records.

5.This case was registered in F.I.R.No.376 of 2017 for the offence under



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Section 147, 148, 452, 294 (b), 323, 324, 427 and 506 (2) I.P.C. at

Tiruvannamalai Police Station against one Sathish and eight others. The allegations made in the First Information Report in brief shows that the defacto-complainant has two sons and one daughter. Her neighbour is Elumalai and he has son Vimal. Her son Muthu was in love with one Monisha and married her. Vimal was also in love with Monisha. In view of the marriage between Monisha and Muthu there was enmity between two families. On 08.06.2017, marriage of second son of the defacto-complainant Prabakaran was celebrated. On 09.06.2017, at about 00.30 hours when the defacto-complainant and other families were at their house, the accused Sathish, Vimal, Vennila, Siva, Ashok, Rajesh, Ajith, Aravind and Datchinamoorthy came there with wooden logs, iron rods, knife and shouted all of them in filthy language. Sathish cut Muthu with knife on his left elbow. Vimal stabbed Prakash with knife at his left little finger. Vennila hit Kalyani with wooden log on her body. Siva cut Kalyani and Mala with knife. Sathish caused cut injury on defacto-complainant's left eyebrow. Accused Rajesh, Ajith, Aravind and Datchinamoorthy had beaten Muthu and Prakash with their hands and legs. All the accused had damaged the properties in the house, Honda CBR Pulsar and also two scooty two wheelers. They also



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made death threat that they would kill if they give Police complaint.

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6.First Information Report allegations clearly makes out case against the petitioner that he was the member of unlawful assembly formed with a view to commit the aforesaid offences. It is also specifically alleged that petitioner had also attacked Muthu and Prakash and damaged the properties. Therefore, the allegations made in the First Information Report clearly make out cognizable offences against the petitioner. The allegations are to be investigated and final report is to be filed. Though First Information Report was registered on 09.06.2017, it is seen that still investigation is not completed and final report is not filed. Therefore, respondent Police is directed to complete the investigation within a period of one month from the date of receipt of copy of this order and file final report before the concerned Court.

7.With the above direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.



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Index: Yes / No

Speaking / Non Speaking order  
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To

1. The Inspector of Police  
Tiruvannamalai East  
Tiruvannamalai  
[F.I.R.No.376 of 2017]

2. The Public Prosecutor  
High Court, Madras.



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**G.CHANDRASEKHARAN,J.**

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