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Crl.O.P.No.32088 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.32088 of 2019

and

Crl.M.P.No.17614 of 2019

1.V.Bharanitharan

2.D.Boopathy

...Petitioners / 1st & 2nd Accused

-Vs-

1.State represented by:

Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.
(Crime No.10 of 2016)

... 1st Respondent / Complainant

2.Indira

... 2nd Respondent / De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in S.C.No.35 of 2017 on the file of the Principal Subordinate Judge, Coimbatore and to quash the same.

For Petitioner

: Mr.M.Vijayaraghavan

For R1

: Mr.S.Balaji,

Government Advocate (Crl.Side)



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For R2

: Ms.B.Akshaya Hepzibath

For Mr.G.Balaji Venkateswaran.

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.35 of 2017 on the file of the Principal Subordinate Court, Coimbatore, filed of the alleged major offence under Section 307 IPC.

2.It is alleged in the impugned final report that the petitioners went in a two wheeler and dashed against the two wheeler of the 2nd respondent and caused injuries on account of prior enmity. Hence, the complaint.

3.The learned counsel for the petitioners submits that the entire allegation is false. The 2nd respondent did not suffer grievous injuries. He only suffered a minor injury and the doctor who treated the 2nd respondent was not cited in the final report. The learned counsel further submitted that there is no intention to cause murder and hence, the offence under Section 307 IPC is not made out.

4.The learned counsel for the defacto complainant and the learned



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Additional Public Prosecutor submitted that there are allegations in the impugned final report to attract the offence under Section 307 IPC.

Hence, they prayed for dismissal of the quash petition.

5.This Court on perusal of the impugned final report and on hearing the submissions of the learned counsel on either side finds that the points raised by the learned counsel for the petitioner is factual in nature and it has to be adjudicated only before the trial Court and hence, this Court is not inclined to entertain this quash petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

11.04.2023

smv

Index : Yes/No

Speaking : Yes / No

Neutral Citation : Yes / No

To,

1.The Public Prosecutor,



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High Court of Madras.

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2.The Principal Subordinate Judge, Coimbatore

3.The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.

SUNDER MOHAN,J.

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