



Crl.O.P.(MD).No.2769 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.2769 of 2023
and Crl.M.P.(MD).No.2495 of 2023

1.Ganesan
2.Arumugam
3.Vairamani
4.Senthil

... Petitioners

Vs.

1.The State Through,
The Inspector of Police,
Austinpatti Police Station,
Incharge Thirumangalam Town Police Station,
Madurai District.

2.Sunthan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records connected to FIR in Crime No.657 of 2013 on the file of the respondent No.1 and quash the same as illegal as against the petitioners.

For Petitioners	: Mr.R.Alagumani
For R1	: Mr.M.Sakthi Kumar Government Advocate (Crl.side)



Crl.O.P.(MD).No.2769 of 2023

ORDER

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This criminal original petition has been filed to quash the FIR in Crime No.657 of 2013 on the file of the respondent No.1.

2.The petitioners are the accused persons in Crime No.657 of 2013 for the offences punishable under Sections 294(b), 341, 323, 506(ii) of IPC. There is a counter case in Crime No.658 of 2023 for the offences punishable under Sections 294(b), 323, 506(i) r/w 109 of IPC. After completing the investigation final report has been filed in Crime No.658 of 2023 on the file of the learned Judicial Magistrate, Thirumangalam and the same was taken cognizance in C.C.No.315 of 2015, wherein, the defacto complainant and other accused persons pleaded guilty and the learned Judicial Magistrate convicted and sentenced them. It seems that they are the real aggressors in this matter. Hence, in view of the above, the petitioners pray to quash the FIR in Crime No.657 of 2013.

3.The learned Government Advocate (Crl. Side) would submit that this is a case in counter case. In both the cases investigation has been undertaken, of course, without following proper procedure set out under



Crl.O.P.(MD).No.2769 of 2023

Section 566 of Police Standing Order. The present case is in Crime No. 657 of 2013 and another case was tried in C.C.No.315 of 2015, wherein, the accused pleaded guilty and paid the fine amount. So far as this case is concerned even though the final report was presented before the concerned Court in time, it was misplaced. At the request made by the concerned trial Court copy was also submitted. Since no proper procedure was followed by the Investigating Officer while investigating the matter, to find out who are the real aggressor and considering the fact that the counter parties admitted their guilty and pay the fine amount, which *prima facie* shows that they are the real aggressors in this matter, without notice to the second respondent, this Court is inclined to allow this petition.

4. Accordingly, this criminal original petition is allowed and the FIR in Crime No.657 of 2013 is hereby quashed in respect of the petitioners. Consequently, connected miscellaneous petition is closed.

28.11.2023

Index : Yes / No
Internet : Yes / No
TM

3/5



Crl.O.P.(MD).No.2769 of 2023

To

- 1.The Inspector of Police,
Austinpatti Police Station,
Incharge Thirumangalam Town Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD).No.2769 of 2023

G.ILANGOVAN,J.

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Crl.O.P.(MD).No.2769 of 2023

28.11.2023