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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27/03/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.3234 of 2023

and

Cr1.MP(MD)Nos.2965 and 2969 of 2023

Ravi Kumar @ Dog Ravi : Petitioner/Sole Accused

Vs.

1.State through the
Sub Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
(Crime No.493 of 2021) : R1/Complainant

2.S.V.Shanmugam : R2/De-facto Complainant

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in CC No.48 of 2022 on the file of the District Munsif-cum-Judicial Magistrate, Athoor and quash the same.

For Petitioner : Mr.S.Srikanth
M/s.APN Law Associates

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For 2nd Respondent : Mr.S.Sarvagan Prabhu

**ORDER**

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This criminal original petition has been filed seeking quashment of the case in CC No.48 of 2022 on the file of the District Munsif-cum-Judicial Magistrate, Athoor.

2.The facts in brief:-

The de-facto complainant lodged a complaint stating that the petitioner herein is involved in several criminal cases and was absconding. He shifted his place from Madurai to Chinnalapatti and started one Association called 'Agila Inthia Anaithu Chettiyargal Peravi' engaged in money lending business and Kattapanchayat. It was intimated to him by one Murugan and Ajith Kumar, who are the victims of the crime committed by the petitioner herein. On knowing that he was informed by the above said persons, he was criminally intimidated by the petitioner. On 18/10/2022 at about 01.00 pm, when he was returning from the Medical Shop along with his employee, the accused intercepted them, abused and criminally intimidated and also caused assault with hands. When that was prevented by his employee, he was also assaulted with



hands. Neighbours gathered, the petitioner escaped from that place of occurrence. Since there was no grievous injury, they did not take any treatment. On the basis of the above said occurrence, a case in Crime No.493 of 2021 was registered. After completing the investigation, final report was filed alleging that the petitioner has committed the offences punishable under sections 341, 294(b), 323 and 506(ii) IPC.

3. Seeking quashment, this petition has been filed by the petitioner on the ground that it is purely a false case, foisted without any proper evidence and no proper investigation was also undertaken by the first respondent police; If the CCTV footage available near the place of occurrence is verified by the first respondent police, the truth would have come out; Even though the owner of the Medical Shop was ready to provide the above said CCTV footage, the first respondent police has not taken care to verify the same.

4. Heard both sides.



5. At the outset, this court is not in a position to appreciate the ground on which this petition has been filed. The petitioner says that proper evidence is available in the form of CCTV footage attached to one Raja Medical Mart to show that no such occurrence had taken place.

6. So the question, which arises for consideration is whether the alleged availability of the above said CCTV footage can be taken into account for quashing the proceedings at this stage.

7. It is the basic principle that while considering the quash petition, only the evidences or materials, which are admitted in nature, which are unimpeachable in nature can be taken into account. Here the availability of CCTV footage does not fit into any of the above categories. The accused can very well work out his remedy by taking proper steps at the time of trial to prove his innocence, if so advised. Simply because the injured persons did not take any medical treatment, no contention can be raised to the effect that no such assault really has taken place. So the ground on which



the petition filed is devoid of merits and cannot be taken into account at this stage. So, I find no merit in this petition.

8.In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

27/03/2023

Index:Yes/No
Internet:Yes/No

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To,

- 1.The District Munsif-cum-Judicial Magistrate,
Athoor,
Dindigul District.
- 2.The Sub Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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Cr1.OP(MD) No.3242 of 2023

27/03/2023