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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/03/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.4704 of 2023

and

Cr1.MP(MD)No.4134 of 2023

Rooban @ Rooban Nagendran
@ Ruba Nagendran : Petitioner/A5

Vs.

1.The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
(Crime No.116 of 2022) : R1/Complainant

2.Marisundarraaj : 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 pertaining to FIR in Crime No.116 of 2022 on the file of the 1st respondent police and quash the same as far as the petitioners are concerned and pass such other or further orders.

For Petitioner : Mr.A.Selva Kumar

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

**ORDER**

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This Criminal Original Petition has been filed seeking quashment of the FIR in Crime No.116 of 2022 on the file of the first respondent police.

2.The facts in brief:-

The de-facto complainant lodged a complaint stating that he was working as Supervisor in TASMAL shop located in Courtallam Parasakthi Nagar. On 28/03/2022 at about 09.00 pm, in the night, when he was in the duty along with one Mariappan as sale-man, four persons came in a four wheeler and demanded a particular brand of beer. They stated that it is not available. They purchased five beer bottles, but picked up quarrel with the above said Mariappan stating that they have not arranged the beer bottle of a particular brand. They also caused damage by breaking the beer bottle. Because of the above said act, Mariappan sustained injury hit by glass pieces. Another person caused damaged to the door of the TASMAL shop. At the intervention of the others, they escaped from that place by making criminal intimidation.



3. During the course of investigation, the involvement of this petitioner also came to light. Since he alleged to have instigated, abused the de-facto complainant and the above said Mariappan, on that basis, alternation report was also filed by implicating this petitioner also.

4. Seeking quashment of the same, this petition has been filed on the ground that in the FIR or in the original complaint, no allegation has been made against this petitioner, but only during statement.

5. The learned counsel appearing for the petitioner would submit that this petitioner is physically challenged person, also getting support from the Government. But whether this petitioner was present in the place of occurrence and instigated the other persons to cause damage and criminal intimidation cannot be a matter for consideration by this court in this petition.

6. Since factual issues are involved, the petitioner can work out his remedy after filing of the final report, if still aggrieved. So this is too a premature stage to quash the proceedings.



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7. With the above said liberty, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

23/03/2023

Index: Yes/No
Internet: Yes/No

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To,

1. The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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