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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09/06/2023

CORAM

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

Cr1.OP(MD)No.7521 of 2023

1.Kannan

2.Vijay

: Petitioners/Accused
Rank not known

Vs.

1.State represented by,
The Inspector of Police,
Thirugokarnam Police Station,
Pudukottai.

: R1/Complainant

2.S.Balasubramanian

: R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in Crime No.373 of 2022 on the file of the 1st respondent relating to the petitioners and quash the same.

For Petitioners : Mr.B.Char Murugan

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.373 of 2022 on the file of the first respondent.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that on 08/12/2022 at about 06.00 pm in the night, he was riding a two wheeler on the Thirumayam to Pudukottai Road. When he was nearing JJ College, two persons following him in a two wheeler, intercepted and caused assault with aruval. He fell down and the above said persons fled away from that place. He sustained injury in the centre of head due to assault. He admitted as inpatient in the Government Medical College Hospital, Pudukottai. On the basis of the above said occurrence, FIR in Crime No.373 of 2022 was registered for the offences under sections 341 and 307 IPC and now the investigation is underway.

3. Seeking quashment of the same, this petition has been filed by the petitioners stating that it is absolutely a false case; at the time of alleged





made upon his brother by Kannan's group. He has also stated that he was assaulted by these petitioners and others. So, the eye witness examined to say the occurrence. No doubt can be raised with regard to the occurrence, since he was admitted in the hospital with injuries. Only the identification of the accused, who made the assault is under investigation. Since the above said statement has been recorded, implicating the petitioners in the course of the investigation, I find absolutely, no merit to interfere into the investigation process. The investigation must be taken in its logical end.

7.The learned Additional Public Prosecutor would submit that the petitioners are involved in two cases one in Crime No.101 of 2002 and another in Crime No.85 of 2022.

8.It is also seen that they have not appeared before the respondent police to cooperate with him to complete the process of investigation. They have also filed anticipatory bail petition before this court, but the result of the above said anticipatory bail is not



known. The order copy is also not available in the CD file. The petitioners are also not able to say anything about the result of the anticipatory bail petition.

9. So, in the facts and circumstances of the case, no ground has been made out by the petitioners to quash the investigation process. I find no merit in this petition.

10. In the result, this criminal original petition is **dismissed**.

09/06/2023

Index: Yes/No
Internet: Yes/No

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To,

1. The Inspector of Police,
Thirugokarnam Police Station,
Pudukottai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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