



Crl.O.P.(MD)No.8120 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 11/12/2023

CORAM

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

Crl.OP(MD)No.8120 of 2023

and

Crl.MP(MD)Nos.7093 of 2023

M.Sivakumar : Petitioner/A2

Vs.

1.The Inspector of Police,
Jeyamangalam Police Station,
Theni-District.
(Crime No.275 of 2021) : R1/Complainant

2.Rasu : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to CC No.04 of 2022 on the file of the Judicial Magistrate Court, Periyakulam and quash the same and pass other orders.

For Petitioner : Mr.K.Prabakaran

For 1st Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)

O R D E R

This criminal original petition has been filed seeking quashment of the case in CC No.04 of 2022 on the file of the Judicial Magistrate, Periyakulam.



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2.The case of the prosecution in brief:-

On 24/10/2021 at about 09.00 pm, due to heavy rainfall, rainwater flowing from the house of the accused to the house of the de-facto complainant. When that was questioned by the de-facto complainant, wordy quarrel arose between the family members of the accused and the de-facto complainant, in which, the accused thrown a brick, which caused simple injury to the daughter-in-law of the de-facto complainant. On the basis of the complaint given by the de-facto complainant, a case in Crime No.275 of 2021 was registered for the offences punishable under sections 147, 148, 294(b), 324 and 506(i) of IPC. After completing the investigation, final report has been filed and it was taken cognizance in CC No.4 of 2022 by the Judicial Magistrate, Periyakulam.

3.Seeking quashment of the same, this petition is filed by the second accused on the ground that none of the allegations mentioned either in the FIR or in the final report attract any of the ingredients of the offences alleged against him.

4.Heard both sides.



5. It is a case of assault, criminal intimidation, e.

6. There is a specific averment in the complaint that the de-facto complainant and his family members were assaulted by the accused persons. In the above said occurrence, the daughter-in-law of the de-facto complainant sustained injuries and she was taken to the hospital.



10. In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

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