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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30/06/2023

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

Cr1.OP(MD)No.11756 of 2023

and

Cr1.MP(MD)No.9275 of 2023

Radhakrishnan : Petitioner/Sole Accused

Vs.

1.State rep. by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
(In Crime No.284 of 2022) : R1/Complainant

2.Kumaran,
S/o.Vinayagam,
Revenue Inspector,
Ramanathapuram Circle,
Ramanathapuram. : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the impugned charge sheet in CC No.364 of 2022 on the file of the Judicial Magistrate No.1, Ramanathapuram and quash the same as illegal, unconstitutional and arbitrary and pass such further or other orders.



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For Petitioners : Mr.R.Murugan

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking quashment of the case in CC No.364 of 2022 on the file of the Judicial Magistrate No.1, Ramanathapuram.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he was working as Revenue Inspector, Ramanathapuram Circle. On 31/07/2022 at about 02.00 pm, the Thasildhar, Ramanathapuram requested him to visit Mudhunai Village near ECR road, where the accident has taken place. So along with other revenue officials, the de-facto complainant also went to that area and made enquiry. At that time, both the parties stated that they wanted to compromise the issue. At that time, a complaint was given against this petitioner namely Radhakrishnan. So, they made another enquiry. At that time, the petitioner alleged to have abused the officials in filthy language, tried to assault them with aruval and caused injury on the left thumb and rib region. The de-facto



complainant, later, admitted in the hospital. On the basis of the above said occurrence, a case in Crime No.284 of 2022 was registered for the offences under sections 294(b) and 332 IPC. After completing the formalities of investigation, charge sheet was filed and it was taken cognizance in CC No.364 of 2022 by the Judicial Magistrate No.1, Ramanathapuram.

3. Seeking quashment of the same, this petition has been filed on the ground that it is a case and counter; Without properly investigating both the complaints, as provided in PSO-588A, final report has been filed in this case; So far as the another case is concerned, no investigation has been undertaken; So far proper final report has not been filed.

4. Heard both sides.

5. The present complaint was registered in Crime No.284 of 2022, on the basis of the complaint given by the Revenue Inspector, attached to Ramanathapuram Circle, as detailed above. On the basis of the complaint given by this petitioner, a case in Crime No.287 of 2022 was



registered, the copy of which is also available in the typed set of papers. The complaint in Crime No.284 of 2022, it has been stated by the petitioner that on 31/07/2022 at 03.00 pm, the counter party namely Kumaran and his brother Senthil @ Senthilkumar trespassed into his house, abused in filthy language, caused damage to the lock and gate and prevented them from entering into the house. He locked the front door as well as back door stating that they tried to murder him. So the above said complaint was given.

6. Reading of the petitioner's complaint shows that continuous enmity exists between the de-facto complainant and the petitioner. On 31/07/2022, absolutely a private issue arose between the de-facto complainant and the petitioner. The date of occurrence stated to be on Sunday. But in the complaint, which is the subject matter, the de-facto complainant stated that as if they were prevented from discharging the official duty and caused assault. A private issue has been given colour of official duty. So this itself shows that the de-facto complainant is not a genuine person.



7.More-over, it is a case and counter. So the second respondent ought to have conducted enquiry in both the matters, and find out, who are the aggressors. But without finding the same, this petitioner has been charge sheeted, whereas the complaint given by the petitioner is still not investigated. So this is nothing, but illegal.

8.On the sole ground, the final report that was filed against the petitioner is liable to be quashed.

9.In the result, this Criminal Original Petition is **allowed**. The case in CC No.364 of 2022 on the file of the Judicial Magistrate No.1, Ramanathapuram is quashed. Consequently, connected Miscellaneous Petition is closed.

30/06/2023

Index:Yes/No
Internet:Yes/No

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To,

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- 1.The Judicial Magistrate No.1,
Ramanathapuram.
- 2.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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