



Crl.O.P(MD).No.13877 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.13877 of 2020

and

Crl.M.P.(MD)No.6380 of 2020

1.Muthu
2.Arunkumar
3.Sinthamani

...Petitioners

Vs

1.The State rep. by,
The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
(Crime No.376 of 2020)

2.Paramasivam

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records relating to the FIR in Crime No.376 of 2020 on the file of the first respondent police and quash the same as illegal.

For Petitioners

: Mr.R.Gandhi, Senior Counsel

For Mr.J.Karthikeyan

For 1st Respondent

: Mrs.M.Aasha

Government Advocate (Crl. Side)

For 2nd Respondent

: Mr.S.Ramasamy



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ORDER

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This petition is filed to quash the FIR in Crime No.376 of 2020 on the file of the first respondent.

2.The allegation against the petitioners is that on 12.06.2020 at about 08.30 p.m., when the first petitioner was sleeping outside the house in a cot, the son of the second respondent came in a two wheeler and dashed against the first petitioner. The petitioners and his family members had beaten the son of the second respondent at the spot and when the defacto complainant questioned the same by about 08.45 p.m., the petitioners went to his house and shouted at his son by using filthy language and A1 attacked the defacto complainant with wooden stick, A2 attacked the son of the defacto complainant with wooden stick and A3 attacked the wife of the complainant with hands and caused internal injuries. The police register a case in Crime No.376 of 2020 for the offences under Sections 294(b) and 323 of IPC.

3.On the side of the petitioners, it is stated that the petitioners have not committed any offence and that on the complaint of the first petitioner, a case was registered against the second respondent and three others in Crime No. 375 of 2020 for the offence under Sections 294(b) and 323 of IPC and Section



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4 of Tamil Nadu Prohibition of Harassment of Women Act. The defacto complainant and his family members committed an offence of outraging the modesty of women and the petitioners were admitted in the hospital due to the attack of the defacto complainant.

4. On the side of the petitioners, it is stated that the petitioners belong to washer men community. When the first petitioner was sleeping in front of his house, the son of the defacto complainant by name Siranjeevi came in a two wheeler in a rash and negligent manner and dashed against the cot and the first petitioner was thrown out of cot and he sustained injuries and when the same was questioned, the son of the defacto complainant attacked him and abused the petitioner in filthy language. The defacto complainant also attacked the petitioners 2 and 3. The petitioners were admitted in the hospital as 'in patient' for several days. The third petitioner took treatment as 'in patient' for three days. The Police has registered a case against the defacto complainant. The defacto complainant and his family members were the aggressors. No offence is made out against the petitioners. The petitioners are the real victims. Even as per the FIR, the defacto complainant and his family members have not sustained any injury. When a case in counter case was filed, the duty of the police is to follow Section 588 of the Police Standing Orders.

The occurrence was on 12.06.2020 but the FIR was lodged only on



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16.06.2020 and prayed the FIR to be quashed. To substantiate the claim, a

judgment of this Court in *Madhan and others v. State* in *Crl.O.P.(MD)Nos.*

11152 and 13597 of 2017 is cited.

5.On the side of the prosecution, it is stated that the petitioners went to the house of defacto complainant and attacked the complainant and his family members with wooden log and caused simple injuries and the investigation was over and the chargesheet is ready to be filed and that due to the stay order by this Court, chargesheet could not be filed before the concerned Court.

6.A perusal of the records reveals that there is a case and counter case. The root cause for the entire occurrence is the son of the defacto complainant, who in a negligent manner drove the two wheeler and dashed against the cot of the first petitioner, who was lying outside his house. The alleged injuries are only internal and there was no external injuries. Already a FIR was registered against the defacto complainant and others and the same is pending.

7.In the above circumstances, it is decided that this case is a fit case to be quashed. Hence, this Criminal Original Petition is **allowed** and the FIR in



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Crime No.376 of 2020 is hereby quashed. Consequently, connected

miscellaneous petition is closed.

05.04.2023

NCC : Yes/No

Internet : Yes/No

Index : Yes/No

Mrn

To

- 1.The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R. THARANI,J.

Mrn

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