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CrI.O.P.(MD)No.14659 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22/11/2023

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

CrI.OP (MD)No.14659 of 2023

and

CrI.MP (MD)Nos.11564 and 11565 of 2023

Stephen : Petitioner/A3

Vs.

1.The Sub Inspector of Police,
Kotticode Police Station,
Kanniyakumari District.
(Crime No.35 of 2021) : R1/Complainant

2.Christopher Jobi : 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 charge sheet in STC No.749 of 2022 pending on the file of the Judicial Magistrate No.1, Padmanabhapuram and quash the same in respect of the petitioner.

For Petitioner : Mr.A.Balakrishnan

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



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O R D E R

WEB COPY This criminal original petition has been filed seeking quashment of the charge sheet in STC No.749 of 2022 pending on the file of the Judicial Magistrate No.1, Padmanabhapuram.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he is practising as an Advocate in Kanyakumari District. In front of his house, Anganwadi Centre is functioning. The staffs are working and they used to steal the Anganwadi articles. On 07/04/2021 at about 06.00 pm, A1 to A4 stolen some articles. That was videographed by him in the mobile phone. On seeing this, A1 and A4 abused him in filthy language. They informed A2 and A3. All of them trespassed into the house, abused, assaulted and made criminal intimidation. On the basis of the complaint, a case in Crime No.35 of 2021 was registered for the offences under sections 448, 294(b), 323, 342 and 506(i) IPC. After completing the process of investigation, final report was filed and it was taken cognizance in STC No.749 of 2022 by the Judicial Magistrate No.1, Padmanabhapuram.



3. Seeking quashment of the same, this petition is filed by A3 stating that he never participated in the occurrence; There exists previous enmity between the de-facto complainant and the co-accused; The de-facto complainant was trying to encroach his property; When that was prevented, this false complaint has been given.

4. Heard both sides.

5. A case of alleged assault, criminal intimidation and abuse.

6. Even though, it has been stated that the petitioner never participated in the occurrence, I am not going to take up this issue, since it is a factual issue. It cannot be exercised under section 482 Cr.P.C. It is purely a factual issue, which got to be decided during the process of trial by the trial court.

7. To show that the de-facto complainant sustained injuries, enough materials have been collected in the form of Wound Certificate from the Medical Officer, who treated the de-facto complainant. The Medical Officer namely Navin Franklin has also stated that on 07/09/2021 at about 07.45 pm, he admitted the injured. On his



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examination, he found a contusion over the left side of the forehead. Another swelling on the scalp region. This is the statement recorded during the course of investigation. Wound Certificate, as mentioned above, is also collected. So sustaining of injury cannot be disputed by the petitioner or the co-accused, as the case may be.

8.Whether there was any previous enmity between the de-facto complainant and the accused is a matter for consideration by the trial court. Without any basis or reason, this petition has been filed seeking quashment of the proceedings. I find absolutely no reason to entertain this petition.

9.In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

22/11/2023

Index:Yes/No
Internet:Yes/No
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To,

WEB COPY

- 1.The Judicial Magistrate No.1,
Padmanabhapuram.
- 2.The Sub Inspector of Police,
Kotticode Police Station,
Kanniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Cr1.O.P.(MD)No.14659 of 2023

G.ILANGO VAN, J

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