



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/03/2023

CORAM

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

Cr1.OP(MD)No.16906 of 2022
and
Cr1.MP(MD)No.11345 of 2022

Aravind : Petitioner/A1

Vs.

1.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District,
(Crime No.189 of 2020) : R1/Complainant

2.Paulvannaperumal : R2/De-facto Complainant

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records of the impugned charge sheet in CC No.157 of 2022 pending on the file of the Judicial Magistrate, Valliyoor and quash the same as illegal and pass such further or other orders.



WEB COPY



2

For Petitioner : M/s.C.Geetha
For 1st Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)
For 2nd Respondent : No appearance

O R D E R

This Criminal Original Petition has been filed seeking quashment of CC No.157 of 2022 pending on the file of the Judicial Magistrate, Valliyoor.

2.The facts in brief:-

The de-facto complainant built a house for the accused persons. Stating that the construction was not properly done, the accused persons were raising issue. On 22/05/2020 at about 4.30 pm, when the de-facto complainant was standing near his house, the accused persons came there, abused in filthy language, criminally intimidated and also caused assault with two wheeler key and thereby caused injury. On the basis of the complaint, the case was registered and after completing the formalities of investigation, final report was filed in CC No.157 of 2022 before the trial court



3.Now seeking quashment of the same, this petition has been filed by the petitioner stating that it is a case and counter; On the basis of the complaint given by him, a case in Crime No.187 of 2020 was registered against the de-facto complainant; As a counter-blast only, the present complaint has been given; They only suffered minor injuries; Without verifying the *mala fide* nature of the complaint, the the present case was registered, final report has been filed and also taken cognizance.

4.Heard both sides and the entire CD file in respect of the present case as well as Crime No.187 of 2020 has been called for and perused.

5.Crime No.187 of 2020 was registered, on 23/05/2020 at about 06.00 pm and the de-facto complainant is Aravind, who is the petitioner/A1 herein. He has stated in the complaint that Paulvanna Perumal was entrusted with the work to built house for him. But he did not do the work properly. So the work was given to some other person. Because of the above said, enmity arose between them. On 22/05/2020 at about 07.30 pm, when



he was standing near CSI Church, all the accused came in three separate two wheelers, abused him in filthy language, surrounding him, Paulvanna Perumal caused assault with knife and his brother Sri Krishnan caused assault with knife, so also Raja. The accused Bala assaulted him with stone, so also the accused Ariraman. They also assaulted him with hands. After criminally intimidating him, they fled away from that place. The above said complaint was registered, as noted above, at 06.00 pm, on 23/05/2020. The investigation in that case was completed and final report has also been filed for the offences punishable under sections 147, 148, 294(b), 323, 324, 506(ii) IPC.

6. So far as this case is concerned, the above said Paulvanna Perumal is the complainant and the case was registered, on 24/05/2020 at about 12 hours. The date of the occurrence stated to be on 22/05/2020 at about 4.30 pm. In the complaint, as stated above, it has been mentioned that he was assaulted at about 04.30 pm by Aravind and Mani Nadar.



7. Reading of the complaint in the present case as well as in Crime No.187 of 2020, it is seen that even though the date of the occurrence is one and the same, the time of occurrence is different. One happened at 4.30 pm and another happened at 07.30 pm. So it cannot be construed as a case and counter.

8. Whether with a *mala fide* intention to escape from the case in Crime No.187 of 2020, the present complaint has been preferred, cannot be a matter for considering in this petition. It is a matter for consideration by the trial court.

9. So I am of the considered view that no ground has been made out to quash this proceedings. More specifically, when the injury alleged to have been caused by the accused, who was also examined by a Duty Medical Officer attached to Kallikulam Government Hospital. He has also stated that the complainant suffered simple injury. When there is an injury, I find no reason to quash the proceedings. But however, considering the fact that there is continuous transaction on the same of occurrence, let both the matters be tried by the trial



6

court simultaneously and dispose of the same in accordance with law on the same day itself.

10. With the above said, this criminal original petition stands **dismissed**. Consequently, connected Miscellaneous Petition is closed.

23/03/2023

Index: Yes/No
Internet: Yes/No

er

To,

1. The Judicial Magistrate,
Valliyoor.
2. The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



7

G.ILANGOVAN, J

er

Cr1.OP(MD)No.16906 of 2022

23/03/2023