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Crl.O.P.(MD)No.18451 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.18451 of 2023
and Crl.M.P(MD)Nos.14577 and 14578 of 2023

Kannan

... Petitioner

Vs

1. The Sub Inspector of Police,
Namanasamuthiram Police Station,
Pudukkottai District.

2. Ayyappan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C No. 27 of 2023 on the file of the learned Judicial Magistrate, Thirumayam, Pudukkottai District and quash the same as illegal against this petitioner.

For petitioner : Mr.B.Char Murugan

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C No. 27 of 2023 on the file of the learned Judicial Magistrate, Thirumayam, Pudukkottai District against this petitioner.

2.The case of the prosecution is that on 25.08.2022 at about 4.30p.m., when the defacto complainant was standing near his field, the accused person came there along with the deadly weapons and tried to cut Novel tree and the same was objected by one Swaminathan. He was abused in filthy language and caused assault to him. When the defacto complainant intervened, at the instigation of third accused, he was criminally intimidated. On the basis of above said occurrence, a case in Cr.No.101 of 2022 was registered. After completing the investigation, final report was filed and the same was taken cognizance in C.C.No.27 of 2023, on the file of Judicial Magistrate, Thirumayam.

3.Seeking quashment of the same, this petition has been filed by the first accused stating that no specific overt act is attributed



against him and none of the ingredients of the offence punishable under Sections 294(b), 323, 506(ii) IPC are attracted against him.

4.Heard both sides.

5.The learned counsel for the petitioner submitted that due to civil issue between the parties, a false complaint has been filed and based upon which, a final report is filed without conducting proper investigation.

6.Per contra, the learned Government Advocate (Crl.Side) would submit that during the course of investigation, the wound certificate of the injured was collected and the Medical Officer one Dr.Divya, who treated the injured was also examined, wherein she has stated that the injured sustained only simple injuries. During the course of investigation, enough materials were collected as against the accused, hence, quashment is not permissible as against the petitioner.

7.Reading of Final report as mentioned above, shows that there was an issue between the parties over a standing tree. On the particular date of occurrence, there is a serious allegation that only this



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petitioner caused injury to the said Swaminathan, who is shown as a witness in the final report. There is specific allegation against the petitioner that he caused injury to the witness.

8.I find absolutely no valid reason for quashing the final report. Accordingly, this petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

13.10.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
PNM

To

1. The Sub Inspector of Police,
Namanasamuthiram Police Station,
Pudukkottai District.

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



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G.ILANGOVA. J.

PNM

ORDER IN
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