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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP (MD) No.20853 of 2022

and

Cr1.MP (MD) Nos.14537 and 14538 of 2022

Sudhakar : Petitioner/A1

Vs.

1.The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.1669 of 2020) : R1/Complainant

2.Vijayakumar : R2/De-facto complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to CC No.194 of 2020 on the file of the Judicial Magistrate, Periyakulam and quash the same in so far as the petitioner/A1 is concerned and pass such other orders.

For Petitioner : Mr.J.Vishnu

For 1st Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

For 2nd Respondent : No appearance

**ORDER**

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This criminal original petition is filed seeking quashment of the case in CC No.194 of 2020 on the file of the Judicial Magistrate, Periyakulam.

2.The case of the prosecution in brief:-

There is property dispute between the de-facto complainant and the accused person. On 28/07/2020 at about 07.20 pm, when the de-facto complainant was taking tea in a tea shop, A1 and A2 came there, picked up quarrel, A1 beaten the de-facto complainant causing injury and A3 and A4 also joined, abused him in filthy language and also criminally intimidated. Over the above said occurrence, a case in Crime No.1669 of 2020 was registered for the offences under sections 294(b), 323 and 506(i) IPC. After completing the formalities of investigation, final report was filed and it was taken cognizance in CC No.194 of 2020 by the Judicial Magistrate, Periyakulam, Theni District.



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3.Now seeking quashment of the same, A1 has filed this petition on the ground that a civil dispute has been given criminal colour; on 16/04/2020, the petitioner and others were attacked by the de-facto complainant's party over, which, he gave a complaint and a case in Crime No.415 of 2020 was registered for the offences under sections 294(b), 323, 324, 336 and 506(ii) IPC and section 4 of the Tamil Nadu Women Harassment Act; As a counter-blast to the above said case, the present FIR has been registered and final report has been filed without taking note of the above said enmity between the parties.

4.Heard both sides.

5.The occurrence said to have been taken place, on 28/07/2020 at about 07.20 pm. There is specific allegation to the effect that this petitioner along with others, picked up quarrel and caused injury to the de-facto complainant by beating. Even though, it has been stated that it is a counter blast complaint, the date of occurrence in both the matters are entirely different. The complaint given by the petitioner was registered, on 04/05/2020 for the occurrence said to have been taken place, on 04/05/2020.



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6. So far as this occurrence is concerned, it has been taken place, on 28/07/2020. This shows that there is continuous enmity between the parties. To show the injury suffered by the de-facto complainant, he was subjected to medical examination and the Medical Officer, who treated the de-facto complainant also issued Wound Certificate stating that the injuries are simple in nature. It has been specifically stated that there was bite injury on the hip region. So, when *prima facie* materials have been collected to show the injuries suffered by the de-facto complainant, the contention that it is a false case cannot be taken into account at all. Simply because the petitioner is a Law Graduate consideration cannot be given on that account. The petitioner has to undergo the trial process. So, I find no reason to entertain this petition.

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

27/06/2023

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

- 1.The Judicial Magistrate,
Periyakulam,
Theni District.
- 2.The Inspector of Police,
Thenkarai Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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