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Crl.O.P.(MD)No.19905 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07/11/2023

CORAM

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

Crl.OP(MD)No.19905 of 2023

J.Stenin Frankduf : Petitioner/Sole Accused

Vs.

1.State through
The Inspector of Police,
Colachel P.S.
(Crime No.178 of 2023) : R1/Complainant

2.M.Antony Venancis Simon : 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 the case in Crime No.178 of 2023, dated 17/09/2023 on the file of the 1st respondent/Cholachel Police Station, Kanyakumari District and quash the same and pass any other order.

For Petitioner : M/s.G.Kavitha

For 1st Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking quashment of the FIR in Crime No.178 of 2023 on the file of the 1st respondent.



2.The case of the prosecution in brief:-

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The de-facto complainant lodged a complaint stating that on 14/09/2023 at about 08.45 pm, when he was in the house along with his family members, his sister's son namely Stenin caused damage to his wife's two wheeler. So his wife asked him to repair the two wheeler. They refused, but caused assault with bricks. They also threatened her to vacate the house. Because of the injuries sustained, she was taken to the hospital, where her statement was recorded. On the basis of the complaint, a case in Crime No.178 of 2023 was registered for the offence punishable under sections 294(b), 324 and 506(i) IPC.

3. Seeking quashment of the same, this petition has been filed by this petitioner stating that after a lapse of 3 days only, the FIR has been registered; On the date and time of occurrence, he was not present in the occurrence place; The second respondent is having criminal antecedent; There was no eye witness to the occurrence and he is preparing for Civil Service examination; To damage his career, this case has been filed.



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4.Heard both sides.

5.It is a case of injury. There is a specific allegation by the de-facto complainant to the effect that not only he, but also his wife was assaulted by the accused with bricks and they sustained injuries, taken to the Hospital. While taking treatment only statement was recorded by the Inspector of Police and the case was registered. This is too a premature stage to find out as to whether the petitioner was present in the place of occurrence and caused injuries or not. Without any reasons, this petition has been filed. Absolutely it is not maintainable or entertainable at all.

6.The petitioner is undergoing the Engineering Course and preparing for the Civil Service Examination are irrelevant matters for considering this petition. So, the investigation must be taken to its logical conclusion. If the petitioner is aggrieved over the outcome of the final report, he can work out his remedy in the manner known to law.

7.In the result, this criminal original petition stands **dismissed**.

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

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



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G.ILANGOVAN, J

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