



Crl.O.P.(MD)No.20977 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/11/2023

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CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.20977 of 2023

and

Crl.MP(MD)Nos.16439 and 16441 of 2023

1.Raguraman
2.Velvizhi
3.Selvakumar : Petitioner/A1 to A3

Vs.

1.The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
(In Crime No.38 of 2018) : 1st Respondent/Complainant
2.Radha : 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records of the impugned final report in CC No.254 of 2022 on the file of the District Munsif-cum-Judicial Magistrate Court, Singampunari and quash the same as illegal and pass such further or other orders.

For Petitioners : Mr.V.Angusamy
For 1st Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)



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O R D E R

WEB COPY This criminal original petition is filed seeking quashment of the case in CC No.254 of 2022 on the file of the District Munsif-cum-Judicial Magistrate, Singampunari.

2.The case of the prosecution in brief:-

There exists property dispute between the family members of the accused persons and the de-facto complainant. Due to which, on 27/04/2021 at about 10.00 when the de-facto complainant and his wife sleeping in front of their field, the accused persons have thrown stones and assaulted them with iron rod, thereby caused several injuries all over their body. On the basis of the above said occurrence, a case in Crime No.39 of 2018 was registered for the offences under sections 294(b), 323 and 325 of IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. After completing the investigation process, final report has been filed and it was taken cognizance in CC No.254 of 2022 by the District Munsif-cum-Judicial Magistrate, Singampunari.

3. Seeking quashment of the same, this petition has been filed by the petitioners on the ground that a land



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dispute has been given criminal colour and without proper investigation, final report has been filed making allegations against the petitioners.

4.Heard both sides.

5.It is a case of assault. As stated in the preamble portion, the de-facto complainant is very specific in his statement not only at the time of giving the complaint, but also during the course of investigation that he was assaulted by the accused persons with iron road, due to it, he sustained injuries all over the body.

6.Whether any such occurrence has occurred and whether the de-facto complainant suffered any injury because of the above said assault are all matters for consideration by the trial court, which cannot be considered by this court, while exercising the jurisdiction under section 482 Cr.P.C.

7.The learned Government Advocate (Criminal side) would submit that during the course of investigation, the statement of the Assistant Surgeon, Government Hospital, Singampunari, who treated the de-facto complainant was recorded and he has also issued the Wound Certificate.



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According to him, it is a case of injury. The petitioners cannot maintain this petition.

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8.Perusal of the Wound Certificate issued by the Doctor, who treated the de-facto complainant shows that he sustained simple injury. So when *prima facie* materials have been collected during the course of investigation to show that the de-facto complainant sustained injuries due to the above said alleged assault, I find no merit in the contention that has been raised by the petitioners that a family issue has been given criminal colour. No ground worth considering has been made by the petitioners to quash the criminal proceedings.

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

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Index:Yes/No
Internet:Yes/No
pnm/er



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To,

- 1.The District Munsif-cum-Judicial Magistrate,
Singampunari,
Sivagangai District.
- 2.The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

pnm/er

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