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Crl.O.P.(MD)No.20478 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/12/2023

CORAM

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

Crl.OP(MD)No.20478 of 2023

and

Crl.MP(MD)No.16017 of 2023

1.Nikilanandh
2.Muruganandam
3.Thamaraiselvi

: Petitioners/A1 to A3

Vs.

1.State rep. by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

(In Crime No.269 of 2023) : 1st Respondent/Complainant

2.Harikrishnan

: 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 pertaining to the impugned FIR in Crime No.269 of 2023, dated 21/08/2023 on the file of the 1st respondent police and quash the same as illegal and pass such further or other orders.

For Petitioners : Mr.P.Krishnasamy

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



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O R D E R

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This criminal original petition has been filed seeking quashment of the FIR in Crime No.269 of 2023 on the file of the 1st respondent.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that the accused are their neighbours. Due to petty issue, they are not talking terms. On 20/08/2023 at about 07.30 pm, when he was in the house, the 1st accused purposely trying to hit the steps of his house. When that was objected, he picked up quarrel, abused in filthy language. That was also questioned by his wife Tamaraiselvi. At about 08.00 pm, when he was standing in front of his shop, the accused persons came there with wooden log and assaulted him. When his wife and his third son namely Palanivel tried to interfere, they were also assaulted. When neighbours gathered, after making criminal intimidation, they went away from that place. On the basis of the complaint given by the de-facto complainant, a case in Crime No.269 of 2023 was registered for the offences under sections 294(b), 323, 324, 506(ii) IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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3. Seeking quashment of the same, this petition has been filed by the petitioners, who are arrayed as A1 to A3 on the ground that none of the allegations mentioned in the FIR attract any of the ingredients of the offences alleged against them.

4. Heard both sides.

5. Similarly, on the basis of the complaint given by this petitioner, a case in Crime No.268 of 2023 was registered against the de-facto complainant and other party, wherein it has been stated that on 20/08/2023 at about 07.30 pm, the de-facto complainant and others over the previous enmity, caused assault to the father and mother. Both were taken to the hospital. The time of occurrence is stated to be 20/08/2023 at about 08.00 pm. Similarly, in Crime No.269 of 2023, time of occurrence is stated to be at 08.00 pm, on 20/08/2023.

6. Apparently, it is a case and counter. Perusal of the CD file in both the matters shows that both sides were injured and taken to the hospital.

7. Seeking quashment of the same, this petition is filed by the petitioners stating that it is only a



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counter complaint given by the de-facto complainant against them. They only sustained injuries. So the offences are not attracted.

8. Even though, the learned counsel appearing for the petitioners would argue that sections 294(b) and 506(ii) IPC are not attracted, since the occurrence said to have taken place not in the public place, the ingredients of criminal intimidation are not attracted. So far the offences under sections 323 and 324 IPC are concerned, it must be thoroughly investigated. Who are the aggressors can be found out only during the course of the investigation.

9. No doubt that the Investigating Officer must also follow the procedures as set out in PS0588-A. So I find no reason to quash the proceedings. The investigation must be taken to its logical conclusion.

10. In the result, this criminal original petition is dismissed. Of course, there shall be a direction to the Investigating Officer to strictly follow the procedures as set out in PS0-588A and file a report before the concerned Court within a period of two months from the



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date of receipt of a copy of this order. If the petitioners are aggrieved over the outcome of the investigation, they can work out their through appropriate process before the appropriate forum. Consequently, connected Miscellaneous Petition is closed.

19/12/2023

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

- 1.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

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