



Crl.O.P.(MD)No.20071 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08/11/2023

CORAM

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

Crl.OP(MD)No.20071 of 2023

and

Crl.MP(MD)Nos.15724 and 15724 of 2023

Irulu @ Irulappan : Petitioner/Sole Accused

Vs.

- 1.The State rep. by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
(Crime No.109 of 2018) : 1st Respondent/Complainant
- 2.Rajamanickam : 2nd Respondent/De-facto
Complainant
- 3.Deivam : 3rd Respondent/List of
Witness No.2 (LW-2)

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to CC No.922 of 2019 before the District Munsif-cum-Judicial Magistrate, Thiruppuvanam, Sivagangai District and quash the same and pass any other orders.

For Petitioner : Mr.D.S.Haroon Rasheed

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



Crl.O.P.(MD)No.20071 of 2023

O R D E R

WEB COPY This criminal original petition has been filed seeking quashment to the case in CC No.922 of 2019 on the file of the District Munsif-cum-Judicial Magistrate, Thiruppuvanam, Sivagangai District.

2.The facts in brief:-

The de-facto complainant lodged a complaint stating that he received a sum of Rs.40,000/- as hand loan from one Irulappan, who is the accused herein. He was regularly paying interest. Because of the agricultural failure, he could not discharge the loan. On 13/08/2018 at about 08.00 am, the petitioner/Accused alleged to have entered into the house of the de-facto complainant and demanded money back. At that time, he expressed his inability to pay the money immediately. He picked up quarrel, caused injury and also tore his dress. On the basis of the complaint given by the de-facto complainant, a case in Crime No.109 of 2018 was registered. Finding the offence said to have been committed by the accused, final report was filed and it was taken cognizance in CC No.922 of 2019 by the District Munsif-cum-Judicial Magistrate, Thiruppuvanam, for the offence under sections 448, 294(b), 323 and 506(i) IPC.



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CrI.O.P.(MD)No.20071 of 2023

3. Seeking quashment of the same, this petition has been filed solely on the ground that this is totally a false case; There was previous enmity with regard to money transactions and to escape from that liability only, this false complaint has been; The offences mentioned in the final report are not attracted; Only bald allegations have been made against him.

4. Heard both sides. Records were also perused.

5. From the perusal of the records, it is seen that there was money transaction issue between the de-facto complainant and this petitioner. On the particular date of the occurrence, this petitioner alleged to have trespassed into the house of the de-facto complainant, caused assault and tore his dress and also made criminal intimidation.

6. The statement of the witnesses have also been recorded, which corroborating the allegations made in the complaint. When enough materials have been collected during the course of the investigation *prima facie* to show the commission of the offence, without any valid ground on the factual issue, this petition has been filed. The ingredients of sections 448, 294(b), 323 and



Crl.O.P.(MD)No.20071 of 2023

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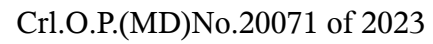
506(i) IPC are clearly attracted. The injured and the de-facto complainant admitted in the hospital and took treatment.

7.Whether the above said injury was caused by the petitioner is true or not, cannot be a matter for consideration by this court while exercising the jurisdiction under section 482 Cr.P.C. Proper statement from the Medical Officer, who treated the de-facto complainant has also been recorded. Wound Certificate has also obtained. He opined that it is simple injury. So enough materials have been collected. So, I find absolutely no reason to entertain this petition,without any legal ground, this petition has been filed.

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

08/11/2023

Index:Yes/No
Internet:Yes/No
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1.The District Munsif-cum-Judicial Magistrate,
Thiruppuvanam, Sivagangai District.

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



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CrI.O.P.(MD)No.20071 of 2023

G.ILANGO VAN, J

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CrI.OP (MD) No.20071 of 2023

08/11/2023