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Crl.O.P.(MD)No.21330 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28/11/2023

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

Crl.OP(MD)No.21330 of 2023

and

Crl.MP(MD)Nos.16692 and 16692 of 2023

Manikandan : Petitioner/A1

Vs.

1.The Inspector of Police,
Nainarkoil Police Station,
Manamadurai,
Ramanathapuram District.
(Crime No.140 of 2020) : R1/Complainant

2.Indusekar : R2/De-facto Complainant

PRAYER:- Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pending in CC No.142 of 2021 on the file of the Judicial Magistrate, Paramakudi and quash the same as against these petitioner and pass further or other orders.

For Petitioner : Mr.T.Palanisamy

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

O R D E R

This criminal original petition has been filed seeking quashment of the case in CC No.142 of 2021 on the file of the Judicial Magistrate, Paramakudi.



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2.The case of the prosecution in brief:-

There exists panchayat election enmity between the family members of the de-facto complainant and the accused persons. Due to which, on 08/05/2020 at about 04.00 pm, when the de-facto complainant and his wife were standing in front of one Angusamy's house, all the accused persons came there and abused them in filthy language. A1 attacked him with aruval on the left hand and caused simple injury. A2 and A3 also attacked him by using wooden stick and caused simple injury. When the mother of the de-facto complainant tried to prevent the same, she was also attacked by the accused persons. Thereafter, all the accused persons threatened the de-facto complainant by showing aruval. On the basis of the complaint given by the de-facto complainant, a case in Crime No.142 of 2021 was registered for the offences under sections 294(b), 323, 324 and 506(ii) IPC and section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. After completing the investigation, final report was filed and it was taken cognizance in CC No.142 of 2021 by the Judicial Magistrate, Paramakudi.

3. Seeking quashment of the same, this petition is filed by the first accused on the ground that none of the allegations mentioned either in the FIR or in the final



report attract any of the ingredients of the offences alleged against him.

4.Heard both sides.

5.It is a case of assault, criminal intimidation, abuse.

6.There is a specific averment in the complaint that the de-facto complainant and his mother were assaulted by the accused persons. They sustained injuries. They were taken to the hospital.

7.It is seen from the records that in the course of treatment, the de-facto complainant went away from the hospital without taking any treatment. The same was also supported by the statement of the Doctor, who treated the de-facto complainant.

8.To show that the mother of the de-facto complainant sustained injuries, Wound Certificate was obtained from the Medical Officer, who treated her. His statement is also recorded, wherein we find that on 08/05/2020 at about 9.00 pm, he went to the Nainarkovil Primary Health Centre and enquired one Diraviyam, the



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mother of the de-facto complainant, who took treatment there. After perusing the records, he gave Wound Certificate stating that the injury sustained by her is simple in nature.

9. When sufficient materials are collected during the course of investigation in the form of medical records and the statement of the Medical Officer, this petition is filed absolutely on factual issues.

10. Whether there was enmity between the parties over the alleged panchayat election issue is a matter for consideration by the trial court. Absolutely, I find no reason to entertain this petition without any legal ground.

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

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

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- 1.The Judicial Magistrate,
Paramakudi,
Ramanathapuram District.
- 2.The Inspector of Police,
Nainarkovil Police Station,
Manamadurai,
Ramanathapuram 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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