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Crl.O.P.No.8276 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.04.2024

Coram

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8276 of 2024
and
Crl.M.P.Nos.6020 & 6024 of 2024

R.Nataraj Prabhu

.. Petitioner

/versus/

1.The Sub Inspector of Police,
D-4, Kuniyamuthur, Coimbatore,
Crime No.96/2023.

2.Varadarajan

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to the first respondent dated 03.04.2023 in S.T.C.No.7874/2023 on the file of Judicial Magistrate VII, Coimbatore and to quash the same.

For Petitioner :Mr.S.Vijayakumar, Senior Counsel for
Mr.J.Melwin Jabaz

For Respondent :Mr.S.Udaya Kumar
Government Advocate (Crl.Side) for R1

ORDER



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The Criminal Original Petition to quash S.T.C.No.7847 of 2023 on the file of the Judicial Magistrate No.VII, Coimbatore, in which the petitioner is the sole accused facing trial for the offence under Sections 294(b) and 323 of IPC.

2. The learned Senior Counsel appearing for the petitioner, on reading the statement under Section 161 of Cr.P.C., submitted that it is a motivated complaint given by the retired police in which has picked quarrel with the petitioner herein, who was supervising the construction next to the house of the defacto complainant.

3. The very reading of the statement and the complaint would indicate that he had questioned the petitioner unnecessarily and picked quarrel and thereafter, with an imaginary allegation that he abused and slapped, he has given a complaint with a delay. Pointing out that the alleged incident took place on 27.03.2023 at 06.30 p.m., whereas the complaint was registered only on 27.03.2023 at 22.15 hours and the witnesses for the prosecution are all interested witnesses and they were known to the defacto complainant. Though the points raised by the



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petitioner may appear to be correct, that correctness has to be tested only during the trial, whether it is a false compliant or not. The petitioner aggressor without cause cover up a deed of aggression. Hence, this Court is not inclined to entertain the criminal original petition.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the trial Court to take up the trial out of turn and complete it, as expeditiously as possible, preferably, within a period of 6 months, from the date of receipt of a copy of this order. The personal appearance of the petitioner need not be necessitated unless and until it is necessary for any specific purpose. Consequently, connected Miscellaneous Petitions are closed.

05.04.2024

Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

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To:

1.The Judicial Magistrate VII, Coimbatore.

2.The Sub Inspector of Police, D-4, Kuniyamuthur, Coimbatore,



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DR.G.JAYACHANDRAN,J.

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