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Crl.O.P.No.10128 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.10128 of 2022
and
Crl.M.P.Nos.5991 & 5993 of 2022

1.R.Prasanth
2.H.Vengateshwaran
3.R.Prasanth
4.T.Sakthi Amarnath
5.D.Prasanth

... Petitioners

Vs.

1.State rep. By
The Sub-Inspector of Police
Yelagiri Police Station,
Thiruppathur District.
Crime No.90 of 2021

2.A.Suganesh

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in connection with C.C.No.217 of 2021 on the file of the learned Judicial Magistrate No.III, Thiruppathur and quash the same.

For Petitioners : Mr.K.Thiruvengadam
For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER



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The petitioners have filed this petition to quash the C.C.No. 217 of 2021 on the file of the learned Judicial Magistrate No.III, Thiruppathur, having been taken cognizance for the offences punishable under Sections 294(B), 323, 324 and 506(I) of IPC.

2. The case of the prosecution is that on 31.07.2021 at 7.00 p.m. while the defacto complainant was trying to get money in the Indian Bank ATM at Ponganur Village. The petitioners alleged to have raised voice stating that get the money quickly, when the 2nd respondent has told them he has to perform one more transaction and there was a wordy quarrel among them, thereby the petitioners assaulted him and abused with filthy language. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offence made by the prosecution. Hence, he prays to quash the CC against the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the



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respondent submitted that to get money from the Indian Bank ATM, there was a wordy quarrel among the petitioners and the defacto complainant. Due to which the petitioners abused and assaulted the defacto complainant, thereby he sustained injuries. Based on the complaint lodged by the defacto complainant, complaint was registered in Crime No.90 of 2021, for the offences under Sections 294(B), 323, 324 and 506(I) of IPC and the case has been taken cognizance before the learned Judicial Magistrate No.III, Thiruppathur.

5. Considering the facts and circumstance, that there is no prior motive to assault the defacto complainant and there is no material ingredient to attract the provisions under Sections 294(B), 323, 324 and 506(I) of IPC against them, and there is no evidence that the petitioners are indulged in wordy quarrel with a malafide intention to attack the defacto complainant, Therefore, this Court is inclined to quash the C.C.No. 217 of 2021 proceeding on the file of the learned Judicial Magistrate No.III, Thiruppathur.

T.V.THAMILSELVI, J.



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6. Accordingly, this Criminal Original Petition is allowed.

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Consequently, connected miscellaneous petitions are closed.

05.02.2024

Index: Yes/ No

Neutral Citation: Yes/No

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To

1.The Sub-Inspector of Police
Yelagiri Police Station,
Thiruppathur District.
Crime No.90 of 2021

2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.10128 of 2022

and

Crl.M.P.Nos.5991 & 5993 of 2022