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Crl.OP.No.7975 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.7975 of 2024

and

Crl.MP.No.5793 of 2024

B.Jeyasri

... Petitioner

Vs.

1. Sankar
2. Rajakumari
3. Kanniappan
4. Chinnaiyan
5. Selvam
6. Rajaram
7. Bala
8. Saravanan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the CC.No.15 of 2019 on the file of the Judicial Magistrate Court No.1 at Tindivanam and quash the same.

For Petitioner : Mr.V.Ramamurthy
for Mr.G.Baskar

For Respondents : Mr.T.Dhanasekaran
for R1
: No Appearance for R2, R4, R7 and R8



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ORDER

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2. The learned counsel appearing for the petitioner submits that wound certificate relied by the complainant for all the three injured persons by name Vasanthan, Shankar and Amarjothi, the certificate number is one and the same i.e., 322837. This certificate is alleged to have issued by the Casualty Medical Officer, Government Hospital, Tindivanam which would clearly shows that it is a manipulated document which has been misused for the purpose of lodging the private complaint.

3. This Court after seeing apparent manipulation in the document relied by the complainant caused notice to the complainant and he has been represented by the counsel. The Counsel after perusing the records submits that the said discrepancy of issuing three wound certificates bearing same number has to be confronted with the Doctor who has issued the certificate and as far as the injured victims are concerned, they



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are not aware of the discrepancies and this is a matter for trial.

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4. This Court, though in normal circumstances considering whatever directed the petitioner/accused to confront the Doctor who has issued the wound certificates during the course of cross examination and subjected unreliability on seeing the content of the private complaint and the injury certificate is of the view that to prevent abuse of process of law the power under Section 482 of Cr.P.C to be invoke in this case. The three wound certificates not only bear the same number, but for three different patients. The time of the issuance of the certificates also substantially different.

5. It is clearly indicates that the would certificates been produced to prosecute the petitioner herein byway of a private complaint. The respondent police who have enquired the matter earlier has found that it is purely civil dispute between the parties and no cognizable offences made out. However, by invoking provisions under Section 200 of Cr.P.C, the present petition been filed and taken cognizance. The learned Judicial Magistrate had failed to know the fact that three wound certificates given for Vasanthan, Shankar and Amarjothi bearing same certificate number



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ie., 322837. Hence, CC.No.15 of 2019 stands quashed.

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6. Accordingly, this Criminal Original Petition is allowed.

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Vv

To

1. The Judicial Magistrate Court-I,
Tindivanam

Dr.G.JAYACHANDRAN,J.

Vv



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