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CrI.O.P.No.11022 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.11022 of 2024
& CrI.M.P.No.7533 of 2024

1. Ab.Aaqbuddin.

2. L.John Samuel

... Petitioners/Accused rank not known

/versus/

1. State Rep. by

The Inspector of Police,

Thirumangalam Police Station,

Anna Nagar District, Chennai.

(Crime No.334 of 2023).

... 1st Respondent/Complainant

2. Indirajith

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records of the FIR No.334 of 2023 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.V.Gopinath

For R1 : Mr.S.Udaya Kumar
Government Advocate (CrI.Side)

ORDER



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This Criminal Original Petition is filed to quash the F.I.R No.334 of 2023 for the offences under Section 341, 294(b), 323, 506(2) of I.P.C.

2. The Learned Counsel appearing for the petitioner states that the defacto complainant himself has come forward to withdraw the complaint and therefore, the complaint is liable to be quashed.

3. Contrarily, the Learned Government Advocate (CrI.Side) for the 1st respondent states that the accused persons have caused fracture injury to the defacto complainant and on completion of the investigation, final report has already been filed before the XIII Metropolitan Magistrate in S.R.No.32707 of 2024 under Section 294(b), 323, 341, 325 and 506(i) read with Section 34 of I.P.C.

4. This Court, on perusing the complaint and the subsequent letter given by the defacto complainant expressing his intention to withdraw the complaint clearly shows that he has been put under fear of prolong litigation which may cause hindrance to his studies and that cannot be a reason to quash the complaint when the complainant been brutally attacked causing grievous



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injury.

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5. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

03.06.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

Copy to

1. The Inspector of Police, Thirumangalam Police Station, Anna Nagar District, Chennai.

2. The Public Prosecutor, High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.



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