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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**CRL.OP No.19366 of 2023
and Crl.MP.No.13039 of 2023**

1.Mr.Munusamy

2.Bhakiyam

3.Karthikeyan

..Petitioners/ Accused A1 to A3

.Vs.

1.The State rep.by

The Sub Inspector of Police
Thavalakuppam Police Station
Thavalakuppam Puducherry.

..Respondent/Complainant

2.Keerthivasan

.. Respondent/De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No.850 of 2022 on the file of the learned Judicial Magistrate No.III, Puducherry and quash the same.

For Petitioners : Ms.V.Revathi

For Respondents : Mr.K.S.Mohandoss
Public Prosecutor (P) for R1

No appearance for R2

ORDER

This quash petition has been filed to quash the proceedings in C.C.No.850 of 2022, on the file of the learned Judicial Magistrate No.III, Puducherry .

2.The case of the prosecution is that on 10.2.2021 at about 10.00



am., the accused persons came to the scene of occurrence and they abused the 2nd respondent and his family members with filthy language. That apart, the accused persons also attacked the de facto complainant and caused simple hurt. The assault is said to have been done with stones and chappal. That apart, the accused persons also threatened the de facto complainant with dire consequences.

3. For the above incident that took place on 10.2.2021, an FIR came to be registered on 9.8.2021 pursuant to the direction issued by the Judicial Magistrate under Section 156(3) Cr.PC. The investigation was completed and final report was filed before the Court below for offence under Section 294(b), 323, 324, 355 and 506(ii) IPC r/w Section 34 IPC. This final report has been put to challenge in this quash petition.

4. Heard Ms.V.Revathi, learned counsel for the petitioner and Mr.K.S.Mohandoss, learned Public Prosecutor (P) for R1. The 2nd respondent has been served with notice and the name of the 2nd respondent has also been printed in the cause list. There is no representation either in person or through counsel.

5. The main ground that was urged by the learned counsel for the petitioner is that the allegations that have been made in the final report are so absurd and highly improbable that no prudent man can ever reach a



just conclusion that there is sufficient ground for proceeding against the accused persons. To substantiate this submission, the learned counsel for the petitioner relied upon the judgment of the Apex Court in ***State of Haryana v. Bhajan Lal***, reported in **1992 Supl 1 SCC 335**. The learned counsel also placed reliance upon the latest judgment of the Apex Court in **Abishek v. State of Madhyapradesh** reported in **2023 SCC on-line SC 1083**.

6. In the instant case, there seems to be some dispute between two families. The incident had taken place on 10.2.2021 and whereas, the FIR came to be registered on 09.8.2021. That apart, the broken stones and the chappal/slipper which is said to have been used for attacking the 2nd respondent was seized by the police on 1.10.2021 and this was produced before the concerned Court on 1.2.2022. That apart, for an incident that took place on 1.2.2021, the doctor is said to have examined the 2nd respondent on 20.11.2021 and has certified that the 2nd respondent sustained simple injuries.

7. The above facts on the face of it shows that the allegations are absurd and is highly improbable. That apart, there was already a pending family dispute and therefore, the proceedings are also attended with malafides. The judgments that were cited by the learned counsel for the petitioner will perfectly apply to the facts of the present case.

N. ANAND VENKATESH.J.,
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8.In the light of the above discussion, the continuation of the criminal proceedings as against the petitioners will result in abuse of process of Court which requires the interference of this Court. Accordingly, the proceedings in C.C.No.850 of 2022, on the file of the learned Judicial Magistrate No.III, Puducherry, is hereby quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

30.01.2024

Speaking Order/Non-Speaking Order

Index: Yes/No

Internet: Yes/No

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To

1.The Sub Inspector of Police
Thavalakuppam Police Station
Thavalakuppam Puducherry.

2.Judicial Magistrate No.III,
Puducherry.

3.The Public Prosecutor,
Puducherry.

CRL.OP No.19366 of 2023