



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 27745 of 2022

& Crl.MP.Nos. 17052 & 17055 of 2022

- 1 ADITHYA
- 2 GANDHIMATHI

...Petitioners

Vs.

- 1 THE STATE REP BY ITS
THE SUB INSPECTOR OF POLICE PERUMANALLUR
POLICE STATION TIRUPPUR DISTRICT CR.NO.1620
OF 2020.
- 2 MUTHURAJ

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C , to call for the records and Quash the final report filed by the 1st respondent against the 1st and 3rd petitioners in STC.No.561 of 2022 in Cr.No.1620 of 2020 on file of the Judicial Magistrate at Avinashi.

For Petitioner : Mr.N.Umapathi
For R1 : S.Vinoth Kumar
Government Advocate (Crl.side)



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For R2 : service awaited

ORDER

The petitioner herein filed this petition to call for the records and Quash the final report filed by the 1st respondent against the 1st and 3rd petitioners in STC.No.561 of 2022 in Cr.No.1620 of 2020 on file of the Judicial Magistrate at Avinashi.

2. The Case of the prosecution is that the 2nd respondent and the petitioners are residing in the same village and on the date of the alleged occurrence the second respondent and his brother Balasubramaniam are standing in front of the Balasubramaniam's House, and the first petitioner and his father who arrayed as A2 are chased the dog in the first petitioner street, which was questioned by the second respondent and the 1st petitioner, and his father are said that the said dog was entered into their goat shed and bitten by their goats and the second respondent said that there was lot of problem having in the street that was not solved and your problem is not bigger than and the first petitioner had alleged to assaulted to the second respondent's head with hand and Sakthivel had alleged to have assaulted the brother of the respondent with hand and the third petitioner abused the 2 respondents father in filthy language. Based on the second respondent



complaint, respondent police registered a case in crime No. 1620 of 2020 for the alleged offence under Section 294(b), 323 of IPC against the petitioners.

After investigation respondent policed filed final report and the same was taken on file in STC No. 561 of 2022 by the Judicial Magistrate, Avinashi, as against the petitioners herein for the offence under Section 323 of IPC. Challenging the said final report the petitioners filed this petition to quash the same.

3. The learned counsel for the petitioners submit that both the petitioner and the defacto complainant are neighbours and they was dispute among them in respect of forming road hence with an ulterior motive in order to harass the petitioner the defacto complainant lodged a false complaint against the petitioners. Hence, he prays to allow this petition.

4. Admittedly, as per the defacto complainant's complaint it was stated he was assaulted and abused by the petitioners but on perusal of the A.R copy dated 20.07.2020 the defacto complainant stated that he was assaulted by the know person with rod and hand. Therefore, contradiction in the defacto complainant statement in AR copy and complaint is raise question about the alleged occurrence. Furthermore, the witness relied by the prosecution are close relative of the defacto complainant. Considering the



above, there is no basic prime facie material against the petitioners to show that they have attacked the defacto complainant. Thus, STC No. 561 of 2022 pending on file of the Judicial Magistrate, Avinashi, is hereby quashed.

5. In the result, this petition is allowed. No Costs. Consequentially, connected miscellaneous petition is closed.

05.03.2024

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To

1. The Public Prosecutor,
High Court, Madras.

2. The Judicial Magistrate, Avinashi.



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T.V.THAMILSELVI, J.

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