



Crl.O.P.No.24812 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:04.10.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24812 of 2024

1.Sakthi
2.Lakshmi
3.Santhiya
4.Vasugi

.. Petitioners

/versus/

1.State of Tamil Nadu,
Station House Officer,
Arni Town Police,
Thiruvannamalai District,
Tamil Nadu 632 301.
Rep.by its Senior Public Prosecutor,
High Court Building,
Chennai 600 104.

2.Smt.Dilli Rani

.. Respondents

Criminal Original Petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for records in Crime No.404 of 2024 pending before the Hon'ble Judicial Magistrate at Arni and quash the FIR in Crime No.404/2024 dated 22.08.2024 of Arni Town Police of Thiruvannamalai District for offences punishable under Sections



Crl.O.P.No.24812 of 2024

296(b), 115(2), 118(1), 133, 351(2) of BNS Act.

For Petitioners :Mr.K.Mahalingam
For R1 :Mr.K.M.D.Muhilan
Govt.Advocate (Crl.Side)

ORDER

This petition is filed to quash the First Information Report No.404 of 2024, dated 22.08.2024 on the ground that the defacto complainant is the aggressor, but the complaint given by the petitioners not been taken up for enquiry by the respondent police. Contrarily, the complaint given by G.Dilli Rani, the aggressor been registered.

2. The learned counsel appearing for the petitioners submitted that the first petitioner had sustained injury and the wound certificate issued by the Government Hospital, Arni, reveals that the injury is simple in nature. While so, the exaggerated complaint of Dilli Rani been taken for investigation.



Crl.O.P.No.24812 of 2024

WEB COPY

3. The learned Government Advocate (Crl.Side) circulated the CD file, which contain wound certificate of the complainant which indicates abrasion at cheeks and forearm and lerman bite mark in the breast of the complainant and other injuries, which alleged to have been caused by using broom stick . Therefore, the submissions made by the petitioners herein to quash the First Information Report is not sustainable. However, taking into consideration the allegation of the first petitioner that he also sustained injury and supported by wound certificate, the respondent police shall take into consideration, the statement of the first petitioner and the wound certificate to decide about the aggressor and thereafter, proceed with filing of the final report following PSO 566 and the Full Bench Judgment of this Court rendered in *Balaji v. State*.

4. With this observations, this Criminal Original Petition is disposed of.

04.10.2024



Crl.O.P.No.24812 of 2024

WEB COPY

Index:yes/no
Internet:yes/no
ari

To:

1. Station House Officer, State of Tamil Nadu,
Arni Town Police, Thiruvannamalai District,
Tamil Nadu 632 301 rep. by its Senior Public Prosecutor,
High Court Building, Chennai 600 104.
2. The Judicial Magistrate at Arni.
3. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.24812 of 2024

Dr.G.JAYACHANDRAN,J.

ari

Crl.O.P.No.24812 of 2024

04.10.2024