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Crl.O.P.No.27260 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.27260 of 2024
and
Crl.M.P.Nos.15077 and 15078 of 2024

Raja

... Petitioner

Vs.

1. State by

The Inspector of Police,
Karumalaikoodal Police Station,
Salem District,
Crime No.386 of 2023.

2. Venkatachalam

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the records in C.C.No.2172 of 2024 on the file of the Judicial Magistrate No.2, Mettur Dam, Salem District and quash the charge sheet pending against the petitioner.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1



CrI.O.P.No.27260 of 2024

ORDER

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This Criminal Original Petition is filed to quash the charge sheet in C.C.No.2172 of 2024 on the file of the Judicial Magistrate Court-II, Mettur Dam, Salem District.

2. Learned counsel for the petitioner submitted that, originally five accused were shown as accused in the First Information Report (FIR), however, the petitioner alone was charge sheeted as sole accused. He further submitted that even in the Accident Register, the petitioner has spoken about the involvement of other accused persons, however, the charge sheet was filed only against the petitioner. Further, the Doctor, who has given treatment to the *de-facto* complainant, has clearly spoken that the de-facto complainant left the hospital even without intimating the hospital authorities and he has not given any opinion regarding the injuries sustained by the *de-facto* complainant. He further submitted that due to personal enmity between the petitioner and the *de-facto* complainant, a false complaint has been foisted against the petitioner and the investigating officer has also not properly investigated the case and laid the charge sheet only against the petitioner



CrI.O.P.No.27260 of 2024

3. Learned Additional Public Prosecutor appearing for the first

respondent submitted that, at the time of filing the complaint, the *de-facto* complainant has spoken about other persons, and during investigation, he has stated that other persons only scolded him and they have not committed any offence, but the petitioner alone attacked him and that charge sheet was laid only as against the petitioner. Further, the witnesses have also spoken about the involvement of the petitioner and therefore, the trial Court sent summons to the petitioner for questioning him.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and also perused the materials available on record.

5. On a perusal of the records, it is seen that originally, the case was registered against the petitioner and other accused. However, on completion of investigation, charge sheet was filed only as against the petitioner. After perusing the copy of the Accident Register, it is seen



CrI.O.P.No.27260 of 2024

that the *de-facto* complainant sustained injuries and took treatment, but he left the hospital without even intimating the hospital authorities.

6. This Court, after perusing the complaint and also the statement of witnesses including the Doctor, is of the view that there are *prima-facie* materials to connect the petitioner in this case and also there is a specific overt act alleged against the petitioner, and therefore, whatever the ground taken by the petitioner for quashing the charges only, is a matter for trial and all the points raised by the petitioner herein have to be agitated only before the trial Court during the trial.

7. Considering the above facts and circumstances, this Court is not inclined to quash the charge sheet and hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

19.11.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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CrI.O.P.No.27260 of 2024

To

- 1.The Judicial Magistrate No.2,
Mettur Dam, Salem District.
2. The Inspector of Police,
Karumalaikoodal Police Station,
Salem District,
3. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.27260 of 2024

P.VELMURUGAN, J

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Crl.M.P.Nos.15077 and 15078 of 2024

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