



CRL.O.P (MD) No.4768 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.04.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4768 of 2024

and

CRL.M.P.(MD)No.3725 of 2024

Soundhar

... Petitioner

Vs

1. State represented by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
Crime No. 630 of 2020.

2. Kalayanakumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in connection with the S.C No. 17 of 2021 on the file of the learned Subordinate Judge cum Assistant Sessions Judge, Uthamapalayam, Theni District and quash the same

For Petitioner : Mr.B.Jeyakumar

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. side)



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ORDER

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This criminal original petition has been filed seeking to quash the final report in connection with the S.C No. 17 of 2021 on the file of the learned Subordinate Judge cum Assistant Sessions Judge, Uthamapalayam, Theni District.

2.The case of the prosecution is that the accused have abused the de-facto complainant in filthy language. Based on the complaint lodged by the de-facto complainant, the first Respondent had registered a case in Crime No.630 of 2020 against the accused for the offence punishable under Sections 294(b), 323 and 307 of I.P.C and after investigation, filed the final report as against the petitioner for the offence under Sections 294(b), 323, 326 and 307 of I.P.C.

3.The case of the petitioner is that inclusion of offence punishable under Sections 294(b), 323, 326 and 307 of I.P.C in the final report is illegal and contrary to the facts and circumstances of the present case. The allegation levelled against the petitioner is vague and bald. There is no commission of offences so as to attract the penal provisions and there



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are no ingredients to make out an offence under the sections mentioned in the final report. Hence the same is liable to be quashed.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the case is taken on file and the petitioner can very well establish his case before the trial Court.

5.This Court considered the rival submissions made.

6.All the grounds raised by the petitioner herein can very well be raised by the petitioner before the trial Court and he can establish his case in the trial. Therefore, this Court is not inclined to entertain this petition.

7.Accordingly, this criminal original petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Internet:Yes/No
Index:Yes/No

02.04.2024

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B.PUGALENDHI, J.

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To

1. State represented by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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