



CRL.O.P (MD) No.4632 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4632 of 2024

and

CRL.M.P.(MD)No.3617 of 2024

Senthurapandiyan

... Petitioner

Vs

1. State represented by
The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar.
(In Crime No.8/2021)

2. Ramasubramaniyan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for records relating to the C.C No.301 of 2022 pending on the file of the learned Judicial Magistrate, Rajapalayam and quash the same as against this petitioner concern.



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

ORDER

This criminal original petition has been filed seeking to quash the final report in C.C No.301 of 2022 on the file of the learned Judicial Magistrate, Rajapalayam.

2.The case of the prosecution is that the petitioner and other accused have abused the de-facto complainant in filthy language and hit the de-facto complainant by iron rod and other deadly weapons. Based on the complaint lodged by the de-facto complainant, the first respondent had registered a case in Crime No.8 of 2021 against the accused for the offences punishable under Sections 294(b), 448, 324, 506(2), 326, 147, 148 and 149 of I.P.C and after investigation, filed the final report.

3.The case of the petitioner is that the final report filed alleging



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commission of the offences punishable under Sections 294(b), 448, 324, 506(2), 326, 147, 148 and 149 of I.P.C are illegal. 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 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 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.



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Consequently, connected miscellaneous petition is closed.

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

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To

1.The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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