



CRL OP(MD). No.10533 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.10533 of 2024

and

CrI.M.P.(MD)Nos.7076 and 7077 of 2024

Maruthupandi

... Petitioner

versus

1. State rep. by
The Inspector of Police,
East Police Station,
Kovilpatti,
Thoothukudi District.

2. Vasanthakumar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. and Section 528 of BNSS, 2023, to call for the records relating to the case in C.C.No.108 of 2024 on the file of the Judicial Magistrate No.I, Kovilpatti, Thoothukudi District and quash the same.

For Petitioner : Mr.J.Maheshkumar

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner is an accused in C.C.No.108 of 2024 on the file of the Judicial Magistrate No.I, Kovilpatti, Thoothukudi. He has filed this petition seeking to quash the said proceedings pending against him.

2. The learned counsel appearing for the petitioner submits that the petitioner is also the victim in this case, however, on the complaint of the second respondent/defacto complainant, this case has been foisted against him. According to the petitioner, the second respondent/defacto complainant has attacked him with an iron rod, on account of which, he sustained grievous injury. On the complaint of the petitioner, a case has been registered in Crime No.41 of 2024 for the offence under Sections 294(b), 323, 324 and 506(ii) IPC and as a counter blast, the second respondent has filed this false complaint against the petitioner and the same has been registered in Crime No.42 of 2024 for the offence under Sections 448, 294(b),



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323, 324 and 506(ii) IPC. He further submits that though the defacto complainant claims that the petitioner has attacked him with a sickle, he has sustained only lacerated injury.

3. Whether the lacerated injury is possible through a sickle, can be elicited only during the trial by examining a Doctor. The other grounds raised by the petitioner can be appreciated only during the trial.

4. If a case is registered as counter case, the respondent Police has to find out as to who is the aggressor and file a final report against the aggressor. It appears that the petitioner as well as the defacto complainant and two other persons have sustained injury. The respondent Police has filed a final report in both the cases. In Crime No.42 of 2024, the final report has been taken on file in C.C.No.108 of 2024 on the file of the Judicial Magistrate No.I, Kovilpatti. In Crime No.41 of 2024, the final report has been filed through e-filing and the same is yet to be taken on file.



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5. Therefore, this Criminal Original Petition is dismissed with liberty to the petitioner to raise all the grounds before the trial Court. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No.
Internet : Yes / No.
NCC : Yes / No.
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To

1. The Inspector of Police,
East Police Station,
Kovilpatti,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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