



Crl.O.P.(MD)No.10653 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10653 of 2024

and

Crl.M.P.(MD)No.7123 of 2024

Cheran

... Petitioner

Vs.

1.The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.
In Crime No.61 of 2023

2.Udhayakumar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the impugned FIR in Cr.No.61 of 2023 on the file of the Vadasery Police Station, Kanyakumari District insofar as the petitioner is concerned.

For Petitioner : Mr.R.Babu Jeganath

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

ORDER

This criminal original petition has been filed to quash the first information report in Cr.No.61 of 2023 pending on the file of the first respondent Police.



2.The case of the prosecution is that on 10.05.2023, the accused persons were consuming liquor in front of the second respondent's house and hence, he requested them to leave the place. However, the accused persons abused him in filthy language and also attacked him. When the same was prevented by one Ayyadurai and five others, the accused persons attacked them also and they have damaged a two wheeler also. Hence, the second respondent lodged a complaint, based on which, a case in Cr.No.61 of 2024 came to be registered for the offences under Sections 147, 148, 294(b), 324, 427 and 506(2) IPC.

3.The learned counsel appearing for the petitioner submits that originally the case was registered as against five unknown persons and on the confession statement of one Sudhan, who was arrested on 19.02.2024, the petitioner was implicated as an accused in this case. Based on the vague statement, that too recorded after a period of one year, the petitioner has been arrayed as an accused. Further, he submits that the petitioner is studying in the Central Institute of Petrochemicals Engineering & Technology, Thiruvathavur, Madurai and therefore, prayed that the case in Crime No.61 of 2023 be quashed.



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4.The learned Government Advocate(Crl.side) appearing for the first respondent submits that the accused had consumed liquor in front of the second respondent's house. When it was objected to by the second respondent, the accused persons are said to have assaulted the defacto complainant and two others with hammer and stones, due to which, two persons sustained grievous injuries. Since the accused persons are strangers to the defacto complainant, he was not in a position to mention the name of the accused in the complaint. Thereafter, on 14.12.2023, one Josh Penil was arrested and on 19.02.2024 one Sudhan was arrested. He further submits that the accused were identified only between December 2023 and February 2024 and the investigation is at crucial stage and hence, the first respondent needs some more time to file final report in this case. Further the grounds raised by the petitioner are matter for investigation and therefore prayed that this petition be dismissed.

5.This Court considered the submissions made on either side and perused the materials available in the records.

6.Admittedly, the accused persons were not known to the defacto complainant. Therefore, he lodged the complaint without mentioning



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their names. However, during the course of investigation, some of the accused were identified and also arrested. The learned Government Advocate(Crl.side) raised serious objection for quashing the proceedings on the ground that two persons have sustained grievous injuries and the vehicle of the victim has also been damaged.

7.The grounds raised by the petitioner are all matter for investigation. Merely because the petitioner happens to be a college student and his name was not mentioned in FIR, the same cannot be considered as grounds to quash the impugned FIR.

8.In the result, this criminal original petition is dismissed. The first respondent police is directed to complete the investigation in Cr.No.61 of 2024 as expeditiously as possible and file the final report, within a stipulated time. Consequently, connected miscellaneous petition is closed.

18.07.2024

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



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To

- 1.The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.

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



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B.PUGALENDHI,J

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