



Crl.O.P.(MD) No.12500 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.12500 of 2024

and

CRL.M.P (MD) No.7732 of 2024

Karthigai Raja

... Petitioner

Vs

**1. The Deputy Superintendent Of Police,
Periyakulam,
Theni District.**

**2. The Inspector of Police,
Devathapatti Police Station,
Theni District.
Crime No.230 of 2024.**

3. Selvendran

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying call for the records in connection with the FIR of Crime No.230 of 2024 dated 02.07.2024, on the file of the second respondent Devathanpatti Police Station, Theni District and quash the same.



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For Petitioner : Mr.R. Murugappan,
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed to quash the FIR in Crime No. 230 of 2024, pending on the file of the second respondent.

2.The case of the prosecution is that due to previous motive, the petitioner has abused the defacto complainant using his caste name, assaulted him using beer bottles and caused injuries to him. Hence the case.

3.The learned Counsel appearing for the petitioner submits that the petitioner is the victim at the hands of the second respondent in the incident said to have taken place on 12.11.2023. In that incident, the petitioner has sustained serious injury and was admitted in a Government Hospital. On the basis of the complaint lodged by the petitioner, a case was registered as against the second respondent in Crime No.443 of 2023, for the offences under Sections 147, 294(b), 323 and 324 IPC. When he was undergoing treatment in the Government Hospital, Periyakulam, the third respondent



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attempted to kill the petitioner on 14.11.2023 at about 07.30 am inside the Hospital. Therefore, another complaint was lodged, for which, an FIR in Crime No.487 of 2023 was registered for the offence under Sections 294(b) and 506(2) IPC. The accused in Crime Nos.443 and 487 of 2023, in order to escape from the clutches of law, has now come forward with the present complaint, dated 02.07.2024 as if the petitioner has abused the third respondent. The petitioner has also relied on some other grounds on which motive, the complainant has foisted the complaint as against him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that since the petitioner and the defacto complainant are having previous enmity, it is a matter for investigation. Only during the course of investigation, the real aggressor can be identified.

6.This court considered the rival submissions made.

7.The case of the petitioner is that he is the victim at the hands of the second respondent and he was also admitted in the Government Hospital, Periyakulam for a period of five days for the injury said to have sustained in



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Crime No.443 of 2023. Those cases are also pending investigation. While so, the accused in Crime Nos.443 and 487 of 2023 appears to have lodged a complaint on 02.07.2024 as against the petitioner as if the petitioner has abused him on 12.11.2023. This complaint was lodged after seven months by the accused in Crime Nos.443 and 487 of 2023. The respondent police in all fairness ought to have verified the same before registering the present case. However, this Court cannot find fault with the respondent police, since the complaint discloses cognizable offences and also the offence under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

8.Mere registration of a case does not mean that a case has been prosecuted as against the petitioner. The Deputy Superintendent of police is the authority under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act to conduct the investigation.

9.In this case, the investigation officer/first respondent shall conduct the investigation in a proper manner, find out the truth and the motive for the third respondent in lodging the case. The first respondent has to identify



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the reasons for lodging the complaint after seven months. In the event, if the defacto complainant herein in order to escape liability in Crime No.443 and 487 of 2023 has lodged the present complaint, the respondent police shall file the final report by exposing the truth.

10. Therefore, this criminal original petition is closed. Consequently, the connected miscellaneous petition is also closed.

02.08.2024

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

To

1. The Deputy Superintendent Of Police,
Periyakulam,
Theni District.

2. The Inspector of Police,
Devathapatti Police Station,
Theni District.

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

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B.PUGALENDHI, J.

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