



Crl.O.P(MD).No.20061 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.20061 of 2022 and
Crl.M.P(MD).Nos.13845 and 13846 of 2022

Prabaharan

... Petitioner

Vs.

1.The Sub Inspector of Police,
Kallakudi Police Station,
Trichy District.

2.Ramesh

... Respondents

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records relating to the proceeding in C.C.No.42 of 2017 on the file of the Judicial Magistrate Court, Lalgudi in so far as the petitioners herein and quash the same.

For Petitioner : Mr.N. Anandkumar

For Respondent No.1 : Mr.R.M.Anbunithi

Additional Public Prosecutor

For respondent No.2 : No appearance

ORDER

This Criminal Original Petition has been filed to call for the



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records relating to the proceeding in C.C.No.42 of 2017 on the file of the Judicial Magistrate Court, Lalgudi and quash the same in so far as the petitioners herein.

2. The case of the prosecution is that during the time of temple festival, the petitioner herein has attacked the defacto complainant and caused grievous injuries. Hence, a case has been registered in Crime No.311 of 215 for the offences punishable under Sections 147, 294(b), 323 and 506(i) IPC and thereafter, the case was charge sheeted in C.C.No.42 of 2017 on the file of the Judicial Magistrate, Lalgudi.

3. The learned counsel appearing for the petitioner submitted that the case herein is a counter complaint to the FIR registered in Crime No.310 of 2015, on the file of the first respondent police. He further submitted that only with an ulterior motive, the defacto complainant has given a false complaint and prays for allowing this petition.

4. The learned Additional Public Prosecutor appearing for the first respondent police would submit that it is a case and counter case



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and the petitioner herein has also attacked the defacto complainant and caused injuries and the trial process is going on and hence, prays for dismissal of this petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Perusal of the records reveals that there is a specific overt act attributed against the petitioner and hence, he has to establish his case before the trial Court. Hence, this Court is not inclined to allow this petition.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

25.04.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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To

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1. The Judicial Magistrate Court, Lalgudi
2. The Sub Inspector of Police,
Kallakudi Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

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