



CRL OP(MD)No.20628 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL.O.P(MD)No.20628 of 2021

and

CRL.M.P(MD)Nos.11732 and 11734 of 2021

1.Rajan

2.Rajesh @ Ravikiran

3.Thankarethinam @ Nadaachi

4.Kamala @ Kamalabai

... Petitioner

Vs

1.The State Rep by
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

2.Paul Thankam

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to C.C.No. 181 of 2021 on the file of the Judicial Magistrate No.II, Padnamabhapuram and quash the same.



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For Petitioner : Ms.C.R.Ponnuthai
For R1 : Mr.K.Sanjai Gandhi
Government Advocate(crl.side)
For R2 : No appearance

ORDER

Seeking to quash the final report in C.C.No.181 of 2021 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, the present petition is filed by the accused 1 to 4.

2.The case of the prosecution is that on account of previous enmity, all the accused trespassed into the house of the defacto complainant on 05.05.2021 at about 06.30 a.m and abused the defacto complainant and his family members in filthy language and also damaged the window and compound wall worth about Rs.50,000/-. They also threatened them with dire consequences. Based on the complaint preferred by the defacto complainant, FIR in Crime No.162 of 2021 was registered against the accused for the offences punishable under Sections 294(b), 452, 341, 427 323 and 506(ii) of IPC, by the Sub Inspector of



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Police, Thiruvattar Police Station, Kanyakumari District. After completing the investigation, the Sub Inspector of Police laid a final report in C.C.No.181 of 2021 before the learned Judicial Magistrate No.II, Padmanabhapuram for the aforesaid offences.

3. Ms.C.R.Ponnuthai, learned counsel for the petitioners would contend that the third petitioner is aged around 84 years and the offences alleged against all the petitioners are totally false as they have not committed any such offence.

4. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate(crl.side) appearing for the first respondent would contend that the police after conducting proper investigation had laid a final report before the learned Judicial Magistrate No.II, Padmanabhapuram and there is no good ground to quash the entire case.

5. A perusal of the FIR and 161(3) Cr.P.C. statements recorded by the police prima facie shows that the accused armed with deadly weapons like iron rod, hammer, etc., trespassed into the house of the



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defacto complainant on 05.05.2021 at about 06.30 a.m and abused the defacto complainant and his family members in filthy language. They had also slapped him on his cheek, on account of which, he sustained simple injury. Dr.Blessed Binny, Assistant Surgeon, Government Head Quarters Hospital, Padmanabapuram had examined the defacto complainant on 05.05.2021 and opined that the injury sustained by him on his left cheek is simple in nature. The petitioners had also damaged the window and the compound wall of the defacto complainant to the tune of Rs.50,000/- and had also threatened them with dire consequences. Merely because the third accused is aged around 84 years, the entire final report cannot be quashed, especially, when there are specific overt acts as against the third accused as well as the other accused.

6. In the circumstances, I do not see any reason to quash the final report. Accordingly, the present Criminal Original Petition stands dismissed. consequently, connected miscellaneous petitions are closed.

27.02.2024

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



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To
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- 1.The Judicial Magistrate No.II,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
Ramanathapuram Police Station,
CSCID Madurai,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA,J.

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