



Crl.O.P.(MD) No.17 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17 of 2024

and

CrI.M.P.(MD) No.21 of 2024

Murugan

...Petitioner

vs

**1.The Inspector of Police,
Perumal Puram Police Station,
Tirunelveli.
Crime No.245 of 2023**

2.Radhakrishnan

...Respondents

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying, to call for the records in Crime No.245 of 2023 on the file of the
first respondent police and may quash the same.**

For Petitioner : Mr.A.Balakrishnan

**For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)**



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ORDER

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This Criminal Original Petition is filed to quash the FIR in Crime No.245 of 2023 on the file of the first respondent.

2.The learned counsel for the petitioner submits that the petitioner and the second respondent/the defacto complainant were Partners in Real Estate Business. Since the Real Estate Business suffered loss, there had been misunderstanding between them. As per the complaint of the second respondent, the petitioner is alleged to have entered into his office premises and attacked him. Therefore, he had lodged the complaint. It is his further submission that the occurrence took place on 18.05.2023, whereas the complaint was given roughly after 25 days on 11.06.2023. The prosecution had not explained the delay in lodging the complaint.

3.The learned Government Advocate (Crl.side) submits that the petitioner is the accused. Earlier, the second respondent had given a complaint, which was under enquiry. Pending enquiry in the complaint, the petitioner herein, who was aware of the complaint lodged by the second



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respondent, had sent his henchmen. One of them wearing helmet entered into the premises of the second respondent and enquired the second respondent as to whether he is Radhakrishnan and when the second respondent answered, he hit the second respondent with hands and pulled him out of the office room. When he was brought to outside, there were already three other persons waiting, who were also wearing helmet and they had brutally attacked the second respondent with hands and kicked him. Hearing his cries, his relatives came to rescue him.

4.The learned Government Advocate (Crl.side) invited the attention of this Court to the wordings in the final report. It shows that the petitioner herein had with an intention sent his henchmen and the petition is still pending for enquiry. This is not a fit case for quashing of the FIR. Therefore, he seeks for dismissal of this petition.

5.On considering the rival submissions, the submission of the learned counsel for the petitioner that the FIR had been lodged after 25 days from the date of occurrence is found reasonable, but that cannot be a sole ground to quash the FIR. What had been submitted by the learned counsel for the



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petitioner is found to be valid defense available to the petitioner as accused before the trial Court during trial. That cannot be a ground for quashing of the FIR. As per the reported ruling of the Hon'ble Supreme Court in the case of *State of Haryana vs. Ch. Bhajan Lal* reported in (AIR) 1992 SC 604, the power under Section 482 Cr.P.C., shall not be used leniently by the High Courts to quash the FIR, Charge Sheet, etc. It is to be used sparingly.

Accordingly, this Criminal Original Petition has no merits and it is dismissed. Consequently, connected Miscellaneous Petition is closed.

Internet: Yes./No
Index: Yes/No
mm

04.01.2024

To

1. The Inspector of Police,
Perumal Puram Police Station,
Tirunelveli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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