



Crl.OP.No.482 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.482 of 2024

and

Crl.MP.No.317 of 2024

A.Saran

... Petitioner

Vs.

1. State Represented by
Inspector of Police,
H-4, Korrukupet Police Station,
Chennai-21.

2. S.Sarath Kumar

... Respondents.

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.861 of 2023 on the file of the XV Metropolitan Magistrate, George Town, Chennai-1 and quash the same.



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For Petitioner : Mr.G.M.Gokulram

For Respondents : Ms.J.R.Archana
Government Advocate (Crl.Side)
for R1

: No Appearance for R2

ORDER

This Criminal Original Petition is filed to quash the proceedings in C.C.No.861 of 2023 on the file of the learned XV Metropolitan Magistrate, George Town, Chennai-1.

2. The first accused came to the second respondent's house and taken him through bike to the terrace of the fourth accused house, wherein, all the other accused persons were present and uttered abusive words and also attacked him with small wood. Thereby, the defacto complainant had sustained injuries and taken traditional treatment.

3. On the complaint lodged by the second respondent, the first respondent has registered a case for the offence under Sections 147, 148, 294(b), 342, 324, 506(ii) of IPC r/w 34 of IPC. After completion of



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investigation, the first respondent has filed a final report before the learned XV Metropolitan Magistrate, George Town, Chennai-1 and the same has been taken cognizance in C.C.NO.861 of 2023.

4. Though notice was served on the second respondent and his name was also printed in the cause-list, no one appeared before this Court either in person or through counsel.

5. The learned counsel appearing for the petitioner submits that the petitioner herein is arrayed as second accused. There is absolutely no evidence to show that the second respondent had sustained injuries and the alleged occurrence has happened on 24.07.2020, except the statement of the second respondent.

6. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submits that the defacto complainant had sustained injuries and taken traditional treatment.

7. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent



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police and perused the materials available on record.

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8. Even according to the prosecution, the small wooden piece was used to beat the second respondent. As far as the petitioner is concerned, he is a law graduate and a false case has been foisted against him. Further, there is no material evidence against the petitioner. That apart, who the person who treated the second respondent was not examined and no statement has been recorded to corroborate the statement of the second respondent. The small wooden piece is not at all a dangerous weapon and it is not an instrument . It is not the weapon as indicated under Section 324 of IPC. That apart, no independent witness was examined by the first respondent Further, the second respondent is the habitual offender and even the case of the second respondent that he came to the house of the fourth accused purchased ganja for his personal consumption. There was a quarrel between the second respondent and the other accused persons. Therefore, an offence is made out to proceed with the trial.

9. In view of the above, the proceedings in C.C.No.861 of 2023 on the file of the XV Metropolitan Magistrate, George Town, Chennai cannot be sustained as against the petitioner and is liable to be quashed.



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Accordingly, it is hereby quashed.

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10. In the result, the Criminal Original Petition stands allowed.

Consequently, the connected miscellaneous petition is closed.

17.03.2025

Vv

To

1. The XV Metropolitan Magistrate George Town, Chennai-1
2. The Inspector of Police,
H-4, Korrukupet Police Station,
Chennai-21.
3. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.

Vv



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