

Crl.O.P.(MD)No.1052 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.1052 of 2025

and

Crl.M.P(MD) Nos.703 and 704 of 2025

Saravanan

.. Petitioner

Vs.

1. The Inspector of Police
Vattathikottai Police Station
Thanjavur District

2. Rengaraj

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for records relating to the charge sheet in C.C. No.152 of 2016 on the file of the learned Judicial Magistrate, Pattukottai and quash the same as against the petitioner/A3 is concerned.

For Petitioners : Mr.T.Eashwar

For Respondents : Mr.M.Sakthi Kumar

No.1 Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C. No.152 of 2016 on the file of the learned Judicial Magistrate, Pattukottai.



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2. The case of the prosecution is that the second respondent is running a jewellery shop in the name and style of Sridevi Jewelleries at Karamabakudi. Whiles, on 20.09.2015 at about 2.30 pm., when he went for lunch to his house at that time he found a mob in front of one Sudhakar's home and when he enquired about the same there was commotion between his brother Balamurugan and Sudhakar in respect of bursting crackers during Vinayagar Chathurthi procession. The first accused abused him and assaulted with iron rod and the second accused assaulted him on his spine, therefore he sustained injuries and thereby a case has been registered. Thereafter the first respondent investigated the case and filed final report for the offences under Sections 294(b) and 324 of IPC. Now the petitioner is challenging the final report.

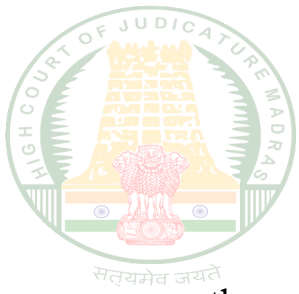
3. The learned counsel appearing for the petitioner would submit that based on the complaint given by the second respondent, the first respondent registered a case in Crime No.196 of 2015 for the offences under Sections 294(b) and 324 of IPC. The petitioner has not participated in the said occurrence and he has been falsely implicated in this case. After seeing the mob he went to the place of occurrence and there are no



allegations as against the petitioner to constitute the offence. Even as per the First Information Report and final report there are no materials to proceed with the case further, thereby the pending charge sheet is liable to be quashed.

4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent, the first respondent registered a case in Crime No.196 of 2015 for the offences under Sections 294(b) and 324 of IPC. Further the respondent police conducted elaborate investigation and as per the investigation there are *prima facie* materials available to proceed with the case and thereby they have filed final report and this petitioner was arrayed as A3 in this case. Therefore the trial Court also after satisfying that *prima facie* materials available has taken cognizance for the offences under Sections 294(b) and 324 of IPC and therefore it is a matter for trial and the petitioner has to face the trial, thereby the petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.



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6. According to the petitioner based on the false complaint given by the second respondent First Information Report has been registered in in Crime No.196 of 2015 for the offences under Sections 294(b) and 324 of IPC. Thereafter the first respondent without conducting proper investigation filed final report and the trial Court also without perusing the materials taken cognizance. According to the first respondent they conducted proper investigation and as per the investigation there are *prima facie* materials available to proceed the case against the petitioner, hence he has to face the trial.

7. This Court perused the records and on perusal of the same it is seen that there are *prima facie* materials available to constitute the offence as against the petitioner and the first respondent also collected materials and filed final report. The veracity of the statements recorded and the materials collected by the first respondent during investigation cannot be tested at this stage. Since *prima facie* materials are available to proceed with the case against the petitioner he has to face the trial and there is no merits in the petition and it is liable to be dismissed.



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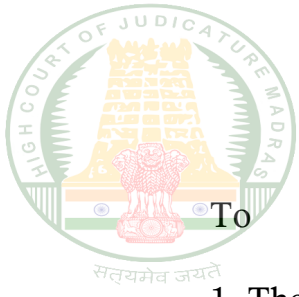
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8. At this juncture the learned counsel appearing for the petitioner submitted that personal appearance of the petitioner before the trial Court may be dispensed with.

9. Considering the nature of the case and also the facts and circumstances of the case it is appropriate to accept the request of the petitioner. Accordingly the personal appearance of the petitioner before the trial Court is dispensed with and the trial Court is at liberty to take appropriate steps for the appearance of the accused as and when required for further proceedings of this case. Further the trial Court is also directed to dispose the case as early as possible without giving long adjournment beyond 15 days. Consequently connected miscellaneous petitions stand closed.

03.03.2025

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

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1. The Judicial Magistrate, Pattukottai
2. The Inspector of Police
Vattathikottai Police Station
Thanjavur District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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