



CrI.O.P(MD)No.806 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P(MD)No.806 of 2024

and

CrI.M.P(MD)Nos.468 & 469 of 2024

Anandaraj

... Petitioner/A5

Vs.

1.The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
(Crime No.64/2022)

... Respondent/Complainant

2.Rajendran

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Charge Sheet in C.C.No. 1259 of 2022 pending before the Learned Judicial Magistrate, Manamadurai and quash the same as against this petitioner alone.

For Petitioners : Mr.R.Venkatesan

For R1 : Mr.S.Ravi
Additional Public Prosecutor



Crl.O.P(MD)No.806 of 2024

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For R2 : No Appearance

ORDER

Seeking quashment of the charge sheet in C.C.No.1259 of 2022 pending before the Learned Judicial Magistrate, Manamadurai, this criminal original petition is filed.

2. The learned counsel for the petitioner submitted that the petitioner herein is the 5th accused before the trial Court in C.C.No.1259 of 2022. The case of the prosecution is that on 07.08.2022 at about 5.00 p.m., one Ganesan and five others including the petitioner had abused the defacto complainant with filthy words and had attacked him in his face due to previous enmity between which had evolved during a temple festival. In this regard, at the instance of the defacto complainant, F.I.R in Crime No.64 of 2022 was registered by the 1st respondent police as against six persons, in which the petitioner is arrayed Accused No.5 and the same culminated in laying final report for the offence under Sections 147, 294(b) and 323 IPC.



3. The learned counsel for the petitioner submitted that this is a case and case in counter which is registered as against them. With respect to the complaint given by the accused in Crime No.64 of 2022 namely Ganesan as against the defacto complainant Rajendran, First Information Report in Crime No.63 of 2022 was registered by the 1st respondent police on the same day at 4.00 p.m. for the offences under Sections 294(b) and 324 IPC. Without following the mandates of ***T.Balaji & Another Vs. The State, Rep.by the Inspector of Police***¹, the investigation has been conducted by the police without specifying who is the real aggressor, the investigation has been concluded and final reports were filed. He also pointed out that the petitioner herein is only the 5th accused. A Careful reading of the final report itself would reveal that the overt act as against the petitioner which is alleged is that he had attacked the defacto complainant with hands in his face. However, the medical expert one Dr.Malai Ram, Government Medical College Hospital, Sivagangai had given his statement under Section 161(3) Cr.P.C on 13.09.2022 clearly stating that the nature of the injury could not be described by issuing a wound certificate for the reason that the

¹ Crl.O.P.Nos.4587 of 2023 etc batch, dated 08.08.2024



Crl.O.P(MD)No.806 of 2024

petitioner had absconded. Another doctor namely Divakar of Government Hospital, Manamadurai has also given similar statement under Section 161(3) Cr.P.C on 13.09.2022 that the nature of the wound could not be certified since he had absconded. He also drew my attention to the medical report issued by Government Medical College Hospital, Sivagangai in I.P.No.1096616 where it is clearly stated that the defacto complainant had absconded. Hence, opinion could not be given. In the absence of any concrete medical opinion, the nature of the injury suffered by the defacto complainant could not be substantiated. Hence, he sought for the indulgence of this Court by quashing the charge sheet.

4. The learned Additional Public Prosecutor contended that it is not necessary to follow the mandates of ***T.Balaji & Another Vs. The State, Rep.by the Inspector of Police***¹, because this is not at all the case and case in counter. Crime No.63 of 2022 was registered based on the complaint received from one Ganesan as against Rajendran at 4.00 p.m., on 07.08.2022 for the offence under Sections 294(b) and 324 IPC. The

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Crl.O.P(MD)No.806 of 2024

defacto complainant in the said crime was later on the same day at 5.30 p.m was attacked by the petitioner and five others, for which Crime No. 64 of 2022 was registered for the offences under Sections 147, 294(b) and 323 IPC. As far as the overt act contributed to the petitioner herein is concerned, as pointed out by the learned counsel for the petitioner, the nature of injuries sustained by the defacto complainant is that the petitioner had attacked him with bare hands in his face. However, the argument of the learned counsel for the petitioner is not sustainable for the reason that Section 324 is only with respect to simple injury. For which exclusive wound certificate is not necessary. The factum of the defacto complainant having admitted in Manamadurai, from where he was further referred to Government Hospital, Sivagangai would itself sufficient to prove that the nature of the injury would not have been that simple as negligible as contended by the learned counsel for the petitioner. Only because the defacto complainant had absconded from the hospital, the nature of the wound cannot be under estimated. He also drew my attention to the accident register, dated 07.08.2022 where nasal bleeding, left eye contusion and left eyelids swelling are noted.



He sought for dismissal of the case.

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

6. It is needless to state both the cases in Crime No.63 of 2022 and 64 of 2022 are not case and case in counter and hence, the proposition laid in ***T.Balaji & Another Vs. The State, Rep.by the Inspector of Police***¹ is not applicable to the facts and circumstances of this case. As rightly pointed out by the learned Additional Public Prosecutor, the offenses for which final report is laid is under Sections 147, 294(b) and 323 PC, for which no explicit wound certificate is necessary. A careful reading of the accident register itself would suffice to prove that the defacto complainant had suffered nasal bleeding, left eye contusion and left eyelid swollen. Hence, I do not find any necessity to interfere with the pending trial.

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Crl.O.P(MD)No.806 of 2024

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7. Therefore, this Criminal Original Petition stands dismissed.
Consequently, connected Miscellaneous Petitions are closed.

03.02.2026

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

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To

- 1.The Judicial Magistrate,
Manamadurai.
- 2.The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P(MD)No.806 of 2024

L.VICTORIA GOWRI, J.

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Crl.O.P(MD)No.806 of 2024

03.02.2026