

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.24866 of 2015

and M.P.No.1 of 2015

1.S.Bhuvanesh

2.S.Suganeswar

Rep. by his father & natural guardian

Mr.Sethuraman

...Petitioners

Vs

1. State of Tamil Nadu, Rep by:
The Inspector of Police, L&O,
E-5, Pattinapakkam Police Station,
Foreshore Estate,
Chennai - 600 028.
Cr.No.1882 of 2015

2. Lakshmi

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records and quash the FIR in Cr.No.1882/2015 dated 04.07.2015 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.G.Mohanakrishnan for
Mr.A.Thirumaran

For Respondents : Mr.C.Emalias [R1]
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR., in Crime No.1882 of 2015 dated 04.07.2015 on the file of the first respondent Police.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

3. On a complaint lodged by Sethuraman, the respondent Police have registered a case in Crime No.1881 of 2015 on 04.07.2015, under Sections 448, 147, 294(b), 324, 506(ii) IPC., against (1) Ponnusamy (2) Sudhakar (3) Lakshmi (4) Manoharan (5) Revathy and others. Similarly, on a complaint lodged by Lakshmi (the third accused in Crime No.1881/2015), the respondent Police registered a case in Crime No.1882 of 2015 on 04.07.2015 under Sections 294(b), 323, 324 IPC., against (1)Sethuraman (2) Kavitha (3) two sons of Sethuraman.

5. On a reading of both the FIRs., it is seen that the rival parties are living in the same building and a quarrel appears to have ensued between the two families on 04.07.2015, in which both of them have attacked each other.

6. The learned counsel for the petitioners submits that, the petitioners are S.Bhuvanesh, aged 12 years and his brother S.Suganeswar, aged 15 years have been implicated in Crime No.1882 of 2015, for no fault of theirs.

7. This Court carefully perused the FIR., in Crime No.1882 of 2015 and except stray averment that the children of Sethuraman also joined their mother in abusing the complainant, there is no other averment against them therein. Even the names of the children have not been disclosed in the complaint given by Lakshmi. In the considered opinion of this Court, the future and career of the children will be spoiled, if an FIR., against them is permitted to subsist.

8. Under such circumstances, the FIR in Crime No.1882 of 2015 is quashed as against S.Bhuvanesh and S.Suganeswar, the two children of Sethuraman and Kavitha.

9. In view of the above, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

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To:

1. The Inspector of Police, L&O,
E-5, Pattinapakkam Police Station,
Foreshore Estate,
Chennai - 600 028.
2. The Public Prosecutor
High Court, Chennai.

+1 C.C. To MR.A.Thirumaran, Advocate in SR.NO.58736

CrI.OP No.24866 of 2015

SVI (CO)
sd : 05/11/2015



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