

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

CORAM

The Hon'ble Mr. Justice R.S.RAMANATHAN

Crl.O.P.Nos.3260, 3262 and 3263 of 2015
and
M.P.Nos.1 of 2015 (3 in nos.)

N.Narayana Reddy

...Petitioner in all O.Ps.
(Accused)

vs.

1. The State, rep. by
Sub Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

...R-1 in all. O.P.s
(Complainant)

2. Maragadham

...R-2 in Crl.O.P.No.3260 of 2015

3. Rani

...R-2 in Crl.O.P.No.3262 of 2015

4. Madhammai

...R-2 in Crl.O.P.No.3263 of 2015

Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code praying to call for records in Cr.No.553 of 2014, Cr.No.558 of 2014, Cr.No.559 of 2014 respectively on the file of the first respondent-Police and to quash the same.

For Petitioner : Mr.R.Shanmugam, Senior Counsel
for M/s.Dr.R.Gopinath

For Respondent-1 : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

The petitioner is the accused in Cr.Nos.553, 558 and 559 of 2014, respectively on the file of the first respondent-Police on the basis of the complaints given by de facto complainants and these Petitions are filed to quash the complaints registered against the petitioner in the aforesaid Crime Numbers.

2. It is submitted by the learned Senior Counsel for the petitioner that no such incidents had taken place and that would also be evident from the fact that all the de facto complainants are residing at the same address, at Krishnagiri, and same allegations were made by all the three de facto complainants against the petitioner, and therefore, the Police ought not to have registered the complaints against the petitioner without conducting enquiry. It is further submitted by the learned Senior Counsel that the petitioner was not in Krishnagiri, where, the offence alleged to have taken place, and he was at Chennai on 03.11.2014, and was in Apollo Hospital on 02.11.2014. Therefore, false complaints have been filed against the petitioner, hence, the same are liable to be quashed.

3. I am unable to accept the contentions of the learned Senior Counsel for the petitioner. Though the de facto complainants are residing in the same address, at Krishnagiri, it cannot be stated that they have made false allegations or false accusations against the petitioner. As per the FIR registered in Cr.No.559 of 2014 for offence under Sections 249(b), 323 and 506 (i) IPC, the occurrence took place on 03.11.2014, which is the subject matter of CrI.O.P.N.3263 of 2015. The petition in CrI.O.P.No.3262 of 2015 is in respect of the FIR registered in Cr.No.558 of 2014, wherein, it is stated that the occurrence took place on 1.11.2014 and the case has been registered for offence under Sections 249 (b), 323 and 506 (i) IPC. Insofar as the Petition in CrI.O.P.No.3260 of 2015 is concerned, the complaint in Cr.No.553 of 2014 was given on 29.11.2014, in respect of the incident that took place on 31.10.2014, for offence under Sections 294 (b) and 354 IPC.

4. As per the allegations made in the complaint registered in Cr.No.553 of 2014, the petitioner alleged to have abused the de facto complainant using filthy language and also attacked the de facto complainant with stick aiming at the private parts of her body. The allegations made in other complaints by other de facto complainants are different. Therefore, it is manifestly clear that different de facto complainants have given different complaints against the petitioner, for the offence, as stated above.

5. Thus, on perusal of the complaints, prima facie case is made out, for which, FIRs have been registered. Therefore, the stand taken by the learned Senior Counsel for the petitioner that the petitioner is at Chennai, and he was not at Krishnagiri, at the relevant point of time, when the alleged incidents took place, cannot be considered at this juncture. It is open to the petitioner to produce proof of alibi to the Police and the Police, on

being satisfied with the proof of alibi, will either drop taking action against the petitioner or if they found that the alibi was not trustworthy, they would file chargesheet against the petitioner. Therefore, at this stage, it cannot be stated that no case has been made out against the petitioner.

6. In the result, all the Criminal Original Petitions are dismissed. Consequently, connected M.Ps are closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

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To

1. The Sub Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.Nos.3260, 3262 and 3263 of 2015

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