

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

Cr1.O.P.No.4518 of 2015

1.Mrs.Vimala Mary
2.Mrs.C.Mary Pavithra
3.Mr.Sebastin

...Petitioners

vs.

1. The State rep. By
The Inspector of Police
District Crime Branch
Kanchipuram

2. Mr.J.Ramesh

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to quash the FIR in Crime No.237 of 2014 dated 24.07.2014 pending investigation on the file of the third respondent police.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

This petition is filed to quash the First Information Report in Cr.No.237 of 2014 on the file of the second respondent.

2. It is submitted by the learned counsel for the petitioners that the second petitioner had already given a complaint against the defacto complainant in C.S.R.No.166 of 2014 and since no case was registered, the second petitioner filed Cr.O.P.No.18495 of 2014 for a direction directing the second respondent to register a case and by order dated 27.01.2014, the second respondent was directed to

register case if any cognizable offence was made out. Thereafter, a case was registered by the second respondent in Cr.No.233 of 2014. He further submitted that in the complaint given by the second petitioner, which was later registered as Cr.No.233 of 2014, the second petitioner has stated that while they were in the Registrar office on 20.07.2014 at about 11.00am, the accused mentioned therein came, threatened and assaulted them. After the registration of the case on the basis of the complaint given by the second petitioner, the first respondent, who was arrayed as second accused in Cr.No.233 of 2014, gave a complaint against the petitioners in respect of the same incident and a case was registered in Cr.No.237 of 2014 against the petitioners. He, therefore, submitted registration of FIR in Crime No.237 of 2014 has to be quashed as it was given as a counter blast.

3. I am unable to accept the contention of the learned counsel for the petitioners. Whether the complaint given by the first respondent is a counter blast to the complaint given by the second petitioner or not has to be ascertained by the second respondent during investigation and if investigation reveals that both the occurrence related to one and the same incident, the police will have to take action as per the Police Standing Orders and refer one case and charge sheet another case and therefore, that cannot be a ground to quash the First Information Report.

4. Hence, Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

gpa

-s/d-
Assistant Registrar(J)
Dt:6/3/2015

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
B6, Mappedu Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Jaikumar, Advocate SR 11001

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