

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.20683 of 2016
and
M.P.No.9629 of 2016

1.Dr.Karuna
2.Mrs.Saraswathi Arumugam ... Petitioners

Vs

1. The State
Rep. by the Inspector of Police,
Kovilpalayam Police Station
Coimbatore.

2. Mrs.M.M.D.Abirami Lingeswari ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the FIR in Cr.No.180 of 2016 on the file of respondent police and quash the same.

For Petitioners : Mr.R.Singaravelan
For M/s.S.M.Anusha

For Respondent No.1 : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records relating to the FIR in Cr.No.180 of 2016 on the file of respondent police and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for 1st respondent.

3. On the complaint lodged by one M.M.D.Abirami Lingeswari, the respondent police registered a case in crime No.180 of 2016 on 18.08.2016 under Sections 323 and 506(1) IPC against Dr.Karuna and Saraswathy Arumugam, challenging which the petitioners / accused are before this Court.

4. It is the case of the de facto complainant, that she is the chairperson of Info Institute of Engineering, Kovilpalayam and she had a meeting of the trustees in the conference hall of the college on 18.08.2016 around 12.30 p.m., in which it is alleged by the de facto complainant that she was assaulted by the 1st petitioner herein and that the 2nd petitioner was present throughout the assault.

5. Learned counsel appearing for the petitioner submitted that there are disputes between the trustees and the petitioners. There are several litigations pending between them and that in order to wreak vengeance, the present complaint has been lodged by the defacto complainant. He also submitted that after giving the FIR on 18.08.2016, the 1st petitioner was expelled from the college which only shows the mala fide attitude of the de facto complainant.

6. Learned Additional Public Prosecutor produced the Accident Register, which shows that the de facto complainant had several multiple injuries warranting registration of the case under Section 323 IPC.

7. Mr.Singaravelan, learned senior counsel appearing for the petitioners submitted that there are no materials against the 2nd petitioner except the stray statement that she was present during assault.

8. Since there are prima facie materials against the petitioners, this Court is not inclined to quash the prosecution. However, the respondent police is directed to conduct a thorough investigation about the involvement of the 2nd petitioner in the alleged assault and if there are no materials against her, it is needless to state that the 2nd petitioner should be deleted in the final report. The respondent police is directed to complete the investigation in Crime No.180 of 2016 within a period of three months from the date of receipt of a copy of this order and file a closure report or charge sheet, as the case may be.

With the above direction, this petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

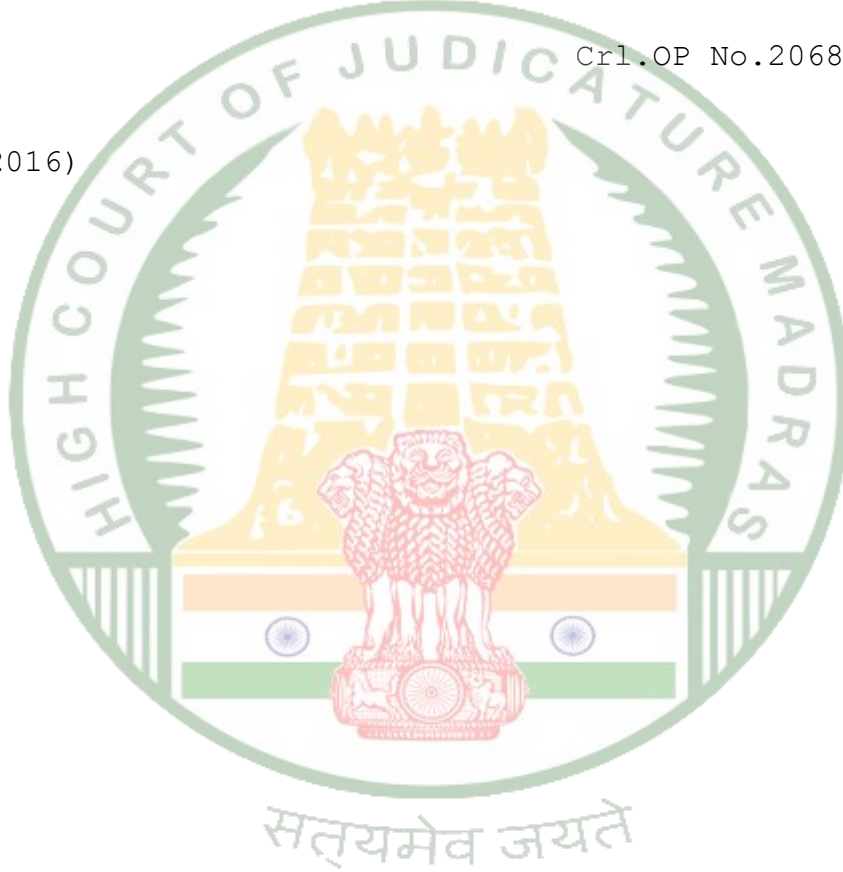
1.The Inspector of Police,
Kovilpalayam Police Station
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.M.Anusha, Advocate, S.R.No.52865

Cr1.OP No.20683 of 2016

VD(CO)
CA(28/09/2016)



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