

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No. 21255 of 2016

and Crl.MP.No. 9843 of 2016

1. D. Elavarasu

2. Krishnan

...Petitioners/Accused

Vs

1. The State Rep by
Sub Inspector of Police,
Kunnam Police Station,
Perambalur District.

2. Selvakumari ... Respondents/Complainant/
Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to quash the FIR in Crime No. 228/2016 dated 23.04.2016 on the file of the Kunnam Police Station.

For Petitioners : Mr.R.Sethuvarayar

For Respondents : Mr.C.Emalias,
Addl.Public Prosecutor for R1

O R D E R

This petition has been filed to quash the FIR in Crime No. 228/2016 dated 23.04.2016 on the file of the Kunnam Police Station.

2. The first petitioner is a practising advocate and on a complaint given by one Selvakumari, the first respondent Police registered a case in Crime No. 228 of 2016 on 23.04.2016 under Sections 294(b), 323, 506(i) IPC and Section 4 of Prohibition of Harassment of Women Act, 2002, challenging which the petitioners are before this Court.

3. The learned counsel for the petitioners submitted that the first petitioner's client i.e., the second petitioner had given a complaint against Selvakumari's mother, based on which, a case in Crime No. 444 of 2015 was registered against her. In connection with the enquiry in Crime No. 444 of 2015, the first petitioner had accompanied his client to the Police Station, where it is alleged that a quarrel ensued.

4. The learned counsel for the petitioners further submitted that the allegation as made out in the FIR could not have taken place within the precincts of the Police Station and therefore, the FIR is an abuse of process of law.

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

6. On a reading of FIR, it is seen that Selvakumari has alleged that she had accompanied her mother to the Police Station, in connection with the said enquiry in Crime No. 444 of 2015. There, both the petitioners have come and a quarrel had ensued in the Police Station. The Police Officers asked both the parties to go out. Outside the Police Station, it is alleged by Selvakumari that the petitioners assaulted her and abused her mother, on account of which, she developed chest pain and was admitted in the General Hospital, Perambalur, where she was taking treatment.

7. Since there are prima facie materials against the petitioners for the investigation to proceed, this is not a fit case to interfere at the threshold, in the light of the law laid down by the Supreme Court in the State of Haryana vs Bhajan Lal (1992 Supp(1) SCC 335).

8. With the above direction, this petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

cad/rts
To

1. The Sub Inspector of Police,
Kunnam Police Station,
Perambalur District.
 2. The Public Prosecutor,
High Court, Madras.
- +1 cc to Mr.R.Sethuvarayar Advocate sr 53351

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