

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.OP.No.25902 of 2010
and MP.Nos.1 & 2 of 2011

1.A.Pugalvanan
2.P.Ezhila

.. Petitioners

Vs

1.State represented by
The Sub Inspector of Police,
S-15, Selaiyur Police Station,
Chennai - 73.
2.The Commissioner of Police,
Suburban Police,
Chennai - 16.
3.The Assistant Commissioner of Police,
Selaiyur Range, Tambaram Circle,
Chennai Sub Urban Police,
Chennai - 600 079.

4.Gowri

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in connection with the proceedings falsely initiated against the petitioners in proceedings vide FIR in Cr.No.909/10, U/Sec. 294, 506(ii) IPC r/w Sec.4 of Women Harrassment Act, 1981 on the file of S-15, Selaiyur Police Station, Chennai-73 and quash the same.

For Petitioners : Mr.R.Dakshina Murthy

For Respondents : Mr.C.Emalias, [R1 to R3]

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to quash the proceedings in Crime.No.909 of 2010, pending on the file of S-15, Selaiyur Police Station, Chennai.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3. On the complaint lodged by Gowri, the respondent police have registered a case in Crime No.909 of 2010 on 24.10.2010 for the offences under Sections 294(b), 506(ii) IPC r/w Section 4 of the Women Harassment Act 1981, against the accused, challenging

which, the accused are before this Court.

4. The learned counsel appearing for the accused submitted that the de facto complainant is none other than the wife of the 1st accused's brother and on account of property dispute, she has engineered a false case against them.

5. On a reading of the FIR, it is alleged by the de facto complainant that she got estranged from her husband and living separately with her children in her uncle's house. On 24.10.2010, when the de facto complainant came to her house along with her children, she was shocked to find that the accused has razed her dwelling with a bulldozer and when she questioned them, the first accused pulled her saree and abused her.

6. In the considered opinion of this Court, since there are prima facie materials in the complaint, disclosing commission of offence, it is not a fit case to quash the FIR as held by the Hon'ble Supreme Court in Bajanlal Vs. State of Haryana [AIR 1992 SC 604].

7. In the result, this petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Sub Inspector of Police,
S-15, Selaiyur Police Station,
Chennai - 73.

2.The Commissioner of Police,
Suburban Police,
Chennai - 16.

3.The Assistant Commissioner of Police,
Selaiyur Range, Tambaram Circle,
Chennai Sub Urban Police,
Chennai - 600 079.

4.The Public Prosecutor
High Court, Madras.

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pnk 12.11.2016

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