

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. No.23052 of 2016
and
Cr1.M.P.No.10824 of 2016

1.N.Yoganathan
2.Chellammal

...Petitioners

Vs

1.State rep by
The Inspector of Police
Jedarpalayam Police Station
Paramathivelur Taluk
Namakkal District.

2.C.Palaniyappan

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the FIR in Cr.No.149 of 2016 dated 04.08.2016 on the file of the 1st respondent police and quash the same as illegal.

For petitioners : Mr.T.Jeevanantham

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

O R D E R

This petition has been filed to call for the records of the FIR in Cr.No.149 of 2016 dated 04.08.2016 on the file of the 1st respondent police and quash the same as illegal.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. For the sake of convenience, the parties will be referred to by their name.

4. There is a property dispute between Yoganathan and his cousin Duraisamy @ Palaniappan. While so, on 07.06.2016, around 1.30 p.m., when Chellammal, wife of Yoganathan was returning from work, Duraisamy @ Palaniappan attacked her, on account of which Chellammal was admitted to the Vellore Government Hospital. On intimation from the hospital, Mr.Paulraj, Special Sub Inspector of Police went to the hospital and obtained a complaint from Yoganathan, based on which a case in Cr.No.93 of 2016 has been registered u/s 294 (b), 323 and 506(ii) IPC and investigation is pending.

5. While so, Duraisamy @ Palaniappan appears to have given a complaint on 04.08.2016 alleging that, on 05.06.2016 around 4.30 p.m., Yoganathan and his wife Chellammal had threatened him and criminally intimidated him. Based on the complaint, Mr.Selvam, Special Sub Inspector of Police has registered a case in Cr.No.149 of 2016 on 04.08.2011 u/s 147, 148, 447 and 427 IPC against Yoganathan and others, challenging which Yoganathan is before this Court.

6. Learned counsel for the petitioners submitted that Yoganathan's wife Chellammal was assaulted by Duraisamy @ Palaniappan and she was admitted to the hospital as aforestated. The subsequent complaint given by Duraisamy @ Palaniappan is only a counter blast, in order to get over the prosecution against him in Cr.No.93 of 2016. There appears to be some force in the submission of the learned counsel for the petitioners.

7. Under such circumstances, this Court directs the first respondent police to conduct a thorough investigation in Cr.Nos.93 and 149 of 2016 and if it is found that the allegations in Cr.No.149 of 2016 are false, it is needless to state that the FIR shall be closed immediately.

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

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gms

To

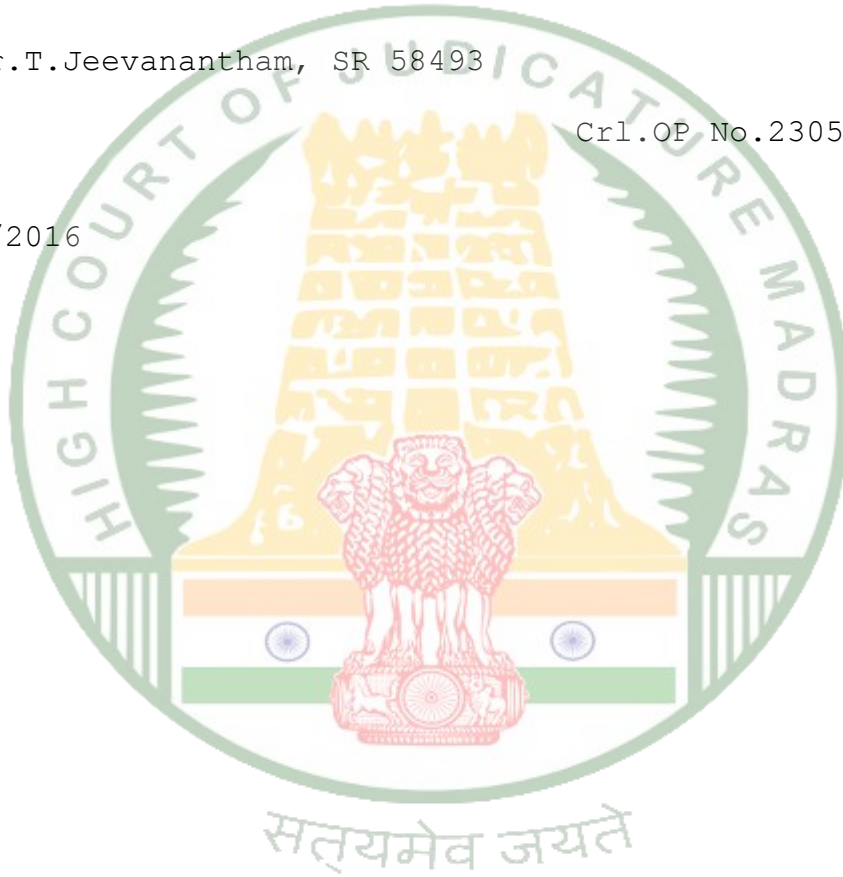
1.The Inspector of Police
Jedarpalayam Police Station
Paramathivelur Taluk
Namakkal District.

2.The Public Prosecutor,
High Court, Chennai.

+1CC to Mr.T.Jeevanantham, SR 58493

Cr1.OP No.23052 of 2016

AD (CO)
PSI 12/11/2016



WEB COPY