



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:16.03.2016
CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

WEB COPY

CrI.O.P.(MD) No.4550 of 2016 and
CrI.M.P.(MD).No.2261 of 2016

1.John Peter
2.Stalin Selvaraj
3.Antony Pascal ... Petitioners/Accused Nos.1 to 3
-vs-

State Represented by

1.The Sub Inspector of Police,
Nilakkottai Police Station,
(in Cr.No.83 of 2016),
Dindigul District. ... Respondent/Complainant

2.S.Sahayaraj ... Respondent/De-facto complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to Cr.No.83 of 2016 on the file of the 1st respondent police and quash the same as illegal.

For Petitioner : Mr.A.Prasanna Rajadurai for
Mr.S.Muthalraj

For R1 : Mr.S.Prabha
Government Advocate (CrI.Side)

O R D E R

On a complaint lodged by S.Sahayaraj, the respondent police have registered a case against the petitioners in Cr.No.83 of 2016 on 23.02.2016 for the offences under Sections 294(b), 323, 506(i) of IPC. Challenging which, the petitioners are before this Court.

2. On a reading of the First Information Report, it is seen that the defacto complainant alleged that on 22.02.2016 at about 08.00 p.m. when he was in his house, the petitioners abused and assaulted him. Since there are prima facie materials for the investigation to proceed, the First Information Report cannot be quashed. However, the respondent police is directed to proceed with the investigation following the guidelines issued by the Hon'ble Supreme Court in Arnesht Kumar v. State of Bihar and another reported in 2014 (3) MLJ (CrI) 353(SC). With the above direction, the criminal original petition is closed. Connected miscellaneous petition is also closed.

Sd/

Assistant Registrar (RTI)



To:

1. The Sub Inspector of Police,
Nilakkottai Police Station,
Dindigul District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One CC to Mr.Na.Palaniyandi, Advocate in Sr.No.15125.

CN/SKN-SK/24.03.2016/2P-4C

Crl.O.P. (MD) No.4550 of 2016