



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2016

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.5158 of 2016

WEB COPY

P.Satheeshkumar

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Dindigul taluk Police Station,
Dindigul District

2.Navis Georgina Mary

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the First Information Report in Crime No.79 of 2013 on the file of the 1st respondent in respect of the petitioner.

For Petitioner : Mr.A.J.Mohamed Kassim

For Respondents : Mrs.S.Prabha for R1
Government Advocate (Crl.Side)

ORDER

This petition has been filed for a direction to quash the case in Crime No.79/2013 on the file of the 1st respondent police.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the 1st respondent.

3. On a complaint lodged by one Navis Georgina Mary, the respondent police have registered a case in Crime No.79/2013 on 13.02.2013 under Sections 294(b), 323, 506(ii) IPC and Section 4 of Women Harassment Act. On the complaint given by the petitioner herein against Mary and others, a case in Crime No.78 of 2016 has been registered under Sections 294(b) and 324 IPC. The learned counsel for the petitioner submits that the FIR in Crime No.79/2013 has been lodged with a delay inasmuch as the said incident had taken place on 11.02.2013. But the complaint has been lodged only on 13.02.2013. He also submitted that Satheeshkumar is a victim and that he was hospitalised.

4. In the considered opinion of this Court, the delay in FIR is a question of fact and the reasons for the delay has to be looked into only during the trial. Disputed question of facts cannot be gone into when the complaint discloses commission of cognizable offences, as has been held by the Supreme Court in **State of Haryana and others v. Bhajan Lal** and others reported in **1992 Supp (1) SCC 335**.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Under such circumstances, FIR in Crime No.79 of 2016 cannot be quashed. Accordingly, this petition is dismissed. However, the police



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shall conduct investigation in both the cases and take action in accordance with law. Consequently connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(Crl.Side)

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/TRUE COPY/

Sub Assistant Registrar

To

1.The Inspector of Police,
Dindigul taluk Police Station,Dindigul District

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

+1cc to M/S.A.J.Mohamed Kassim, Advocate in SR.No.21365

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RR
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