



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.2655 of 2017

M.Manoharan : Petitioner/1st Accused

Vs.

1. The State rep. by,
The Inspector of Police,
Odaipatti Police Station,
Theni District. : 1st Respondent/Complainant

2. E.Manoharan : 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.207 of 2016 on the file of the first respondent/complainant registered under Sections 294(b), 323, 506(i) of the Indian Penal Code r/w Section 4 of Tamil Nadu Women Harassment Act and quash the same.

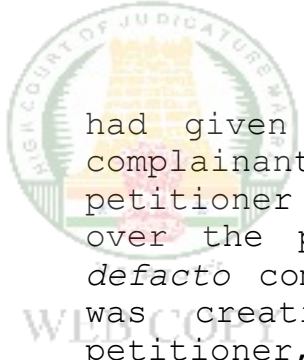
For Petitioner : Mr.Sukumar,
For Mr.G.Rajendran
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by Manoharan, S/o.Eswaran, the respondent police registered a case against Manoharan, S/o.Maaya Thevan and his wife Sundari, on 11.11.2016 for offences under Sections 294(b), 323, 506(1) of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, challenging which, Manoharan (A-1) is before this Court for quashing the First Information Report.

2. Heard Mr.Sukumar, learned counsel for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) appearing for the first respondent. Mr.Ganesan, Special Sub-Inspector of Police, Odaipatti Police Station, Theni District, is present in Court today.

3. On a reading of the First Information Report, it is seen that the land in question belongs to the petitioner herein and he



had given it on lease for two and half years to the *defacto* complainant, which is to expire on 31.03.2017. It is the case of the petitioner that he has been asking the *defacto* complainant to hand over the property at the end of the lease period and that the *defacto* complainant was not willing to hand over the property and was creating trouble to the petitioner. According to the petitioner, he issued a notice dated 07.11.2016, to the *defacto* complainant, asking him to hand over possession of the land. While so, in order to see that the lease period is extended, the *defacto* complainant has engineered the present complaint against the petitioner and his wife with ulterior motive. Therefore, the learned counsel for the petitioner submitted that the First Information Report requires to be quashed.

4. On a reading of the First Information Report, it is admitted by the *defacto* complainant that he had taken the land of the petitioner on lease for two and half years, which is to expire by 31.03.2017. It is alleged by the *defacto* complainant that on 09.11.2016 around 07.00 a.m., he and his wife went to the land and they were abused by the petitioner. After the *defacto* complainant left the place, he received information that his wife Rathie had consumed poison and was in a very critical stage. Therefore, he rushed to the land and found that his wife was critical and his neighbours told him that she consumed poison, because the petitioner and his wife abused her. The *defacto* complainant summoned an ambulance and Rathie was taken to the hospital for treatment. Fortunately, she has been saved. In this regard, complaint in this case was given on 11.11.2016 and First Information Report has been registered.

5. The learned counsel for the petitioner submitted that for the accident that took place on 09.11.2016, First Information Report has been registered only on 11.11.2016 and, therefore, the allegations cannot be true.

6. In the considered opinion of this Court, an unbiased investigation should be carried out to find out whether Rathie consumed poison and was taken to the hospital; what were the reasons for Rathie to consume poison; and is the petitioner and his wife in anyway responsible for the same. For this, the investigation should progress and the same cannot be quashed.

7. The learned counsel for the petitioner submitted that the *defacto* complainant is attempting to continue with the lease on the strength of the present First Information Report against the petitioner.

8. This Court makes it clear that the pendency of the First Information Report is not a shield for the *defacto* complainant to force the petitioner to extend the lease. Under such circumstances, this Court directs the Inspector of Police, Palayam Circle, to take up the investigation in Crime No.207 of 2016 on the file of the Sub-



Inspector of Police, Odaipatti Police Station, Theni District and conduct a thorough investigation and if it is found that the allegation against the petitioner is false, it is needless to state that the First Information Report should be closed.

9. With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Odaipatti Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Inspector of Police,
Palayam Circle.

+ 1 CC TO Mr.G.RAJENDRAN, ADVOCATE IN SR No. 15848

SML

TE/SKN/SAR-IV : 27/03/2017 : 3P/5C

Order made in
CRL.O.P.(MD)No.2655 of 2017
Dated:-
15.03.2017