

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11798 of 2018

&

Crl.M.P.No.6214 of 2018

1. E. Babu
2. Anand @ E. Anandan ... Petitioner/Accused A2 & A3

Vs.

1. The Inspector of Police
Arcot Town Police Station
Vellore District. ...1st Respondent/Complainant
2. V. Chitra ...2nd Respondent/De-facto
Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to quash the entire proceedings in FIR in Cr. No. 597/2017 pending on the file of the respondent police against them and pass such further orders.

For Petitioners : Mr. P. Paul Selvam

For Respondents : Mrs. P. Kritika Kamal
Govt. Advocate (Crl. Side)

ORDER

The relief sought for in this petition is to quash the entire proceedings in FIR in Cr. No. 597/2017 pending on the file of the respondent police against the petitioners.

2. On the complaint lodged by Chitra, the respondent police has registered a case in Crime No.597/2017 on 23.11.2017 for the offences under Section 294(b), 352, 427, 506(ii) of IPC and Section 4 of Tamil Nadu Women Harassment Act, against Venkatraman the 1st accused, Babu the 2nd accused and Ananth the 3rd accused. Challenging the FIR, the present quash application has been filed. The learned counsel for the 2nd and 3rd accused submitted that they were not present in the place of occurrence and that the 2nd accused is working as a Junior Technical Mechanic, Tamil Nadu Transport Corporation and that he was on duty at the relevant point of time. The learned counsel further submitted that the 3rd accused is working as Branch Manager, Shriram Transport Finance Co. Ltd., and he was also not in the scene of occurrence at the relevant point of time. On reading of the FIR, the defacto complainant has alleged that all the three accused had abused her in filthy language and thrown stones at her. Thus when there are prima facie materials in the FIR, the same cannot be quashed

at the threshold on the ground of alibi.

3. Therefore, this Court directs the Inspector of Police, Arcot Town Police Station to conduct a thorough enquiry in Crime No.597 of 2017 based on the materials produced by the accused that they were not in the place of occurrence and that they were in their respective offices, at the relevant point of time. If, during enquiry it is found that the allegations against the petitioners are false, it is needless to state further action against the petitioners shall be dropped.

4. The Criminal Original Petition is disposed of, accordingly. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

avr
To

1.The Inspector of Police
Arcot Town Police Station
Vellore District.

2.The Public Prosecutor,
Madras High Court, Chennai.

+lcc to Mr.P.Paulselvam, Advocate Sr.No.29383

MR(CO)
sm:8.5.2018

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