

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM

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

Crl.O.P. No.15225 of 2018

L.Saravanan

...Petitioner

vs.

1. The State of Tamil Nadu,
Rep. By the Inspector of Police,
P6, Kodungayur Police Station,
Chennai-118,
Cr.No.138 of 2016.

2. L.Kavitha ...Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the entire records relating to the above case impugned FIR in Crime No.137 of 2016, on the file of the 1st respondent police and quash the same.

For petitioner : Mr.S.Arunkumar

For Respondent : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side) for R1

O R D E R

This Criminal Original Petition has been filed to call for the entire records in Crime No.137 of 2016, on the file of the 1st respondent police and quash the same.

2. On the compliant lodged by Kavitha, the respondent police have registered a case in Crime No.137 of 2016 on 04.02.2016 under Sections 341, 294(b) IPC and Section 4 of the Women Harassment Act, 1998 against Saravanan, for quashing which, Saravanan is before this Court.

3. Heard Mr.S.Arunkumar, learned counsel for the petitioner, who submitted that the police have foisted false case against Saravanan inasmuch as it was Saravanan, who sustained serious injuries and was admitted to the hospital wherein, he was an inpatient for 12 days.

4. Per contra, the learned Government Advocate (Crl. Side) submitted that this is a case in counter and counter case has been registered in Crime No.138 of 2016, on the compliant given by Saravanan against Kavitha.

5. This Court gave its anxious consideration to the rival submissions.

6. On a reading of FIR in Crime No.137 of 2016, it is seen that Kavitha is a married lady; that Saravanan was following her and harassing her for over a period of time; that on 02.02.2016, when Kavitha went to Xerox shop and returned, she was wrongfully restrained by Saravanan and it is alleged that Saravanan pulled her Dupatta in the public road, on account of which she fell down. Even in the complaint given by Kavitha, she has stated that she took a stone and threw it on Saravanan as self-defence. However, in the complaint given by Saravanan which forms the basis for registration of Crime No.138 of 2016, it is alleged that Kavitha and her husband wantonly attacked Saravanan and caused injuries. Since there are two FIRs viz., Crime No.137 of 2016 and Crime No.138 of 2016, both have to be investigated to its logical conclusion. Hence, one FIR cannot be quashed at the threshold in the light of the law laid down by the Supreme Court in State of Haryana Vs Bhajan Lal [(1992) Supp [1] SCC 335] especially, when there are prima facie materials therein.

6. In the result, this petition is dismissed as being devoid of merits. However, this Court directs the Inspector of Police, P6, Kodungayur Police Station, Chennai-118, to conduct investigation in Crime No.137 of 2016 and Crime No.138 of 2016 in accordance with law and complete the same, within a period of six months from the date of receipt of a copy of this order.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

mk/dss

To

1. The Inspector of Police,
P6, Kodungayur Police Station,
Chennai-118.

2.The Public Prosecutor
High Court, Madras.

+lcc to Mr.Arun Kumar, Advocate SR.No.36660

Cr1.O.P. No.15225 of 2018

GN(20/06/2018)



WEB COPY