

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.06.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.15956 of 2018
and
Crl.MP.No.8174 of 2018

1.V.Varadhan
2.L.Amutha
3.P.Dhanasekaran
4.V.Bharathi

.. Petitioners

Vs

1.J.Nadhiya
2.State by Inspector of Police
J-10, Semmencherry Police Station
Chennai-600 119.

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to FIR in Crime No.313 of 2018 dated 31.03.2018 on the file of the Inspector of Police, J-10, Semmencherry Police Station, Chennai-600 119 and quash the same.

For Petitioners : Mr.P.Ponpandian

For Respondents : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)
For R2

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to call for the records relating to FIR in Crime No.313 of 2018 dated 31.03.2018 on the file of the Inspector of Police, J-10, Semmencherry Police Station, Chennai-600 119 and quash the same.

2. On the complaint lodged by J.Nadhiya, the second respondent police have registered a case in Crime No.313 of 2018 on 31.03.2018 for the offences under Sections 448, 294-B, 323, 324, 354A and 506(ii) IPC against Varadhan (A1), Amudha (A2), Dhanasekaran (A3) and Bharathi (A4), for quashing which, the accused are before this Court.

3. Heard the learned counsel for the accused and the learned Government Advocate (Crl. Side) for the second respondent-State.

4. The learned counsel for the accused submitted that a false case has been foisted against the accused and that no incident had ever taken place, as alleged by the de facto complainant. He also submitted that V.Varadhan (A1) is 70 years old and V.Bharathi (A4) is a child.

5. Per contra, the learned Government Advocate (Crl. Side) refuted the contention.

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

7. On a close reading of the complaint, which forms the basis of registration of the FIR, it is alleged that the de facto complainant and the accused are neighbours; that there are land disputes between them; that around 12.00 noon on 31.03.2018, Varadhan (A1) and Amudha (A2) had gone into the house of the de facto complainant and picked up quarrel and attacked the de facto complainant with wooden stick and slipper; that Varadhan (A1) called out his son-in-law over phone, pursuant to which, his daughter and son-in-law, who are Bharathi (A4) and Dhanasekaran (A3) came up by Scorpio car bearing Registration No. TN-14 6499 and joined the assault; that when the de facto complainant dialed 100, pursuant to which, the local police came and rescued the de facto complainant from the accused and admitted her to the hospital. Thus, this Court finds that there are sufficient materials in the complaint against the accused in the alleged offence and therefore, the same 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].

In the result, this petition is dismissed as being devoid of merits. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
J-10, Semmencherry Police Station
Chennai-600 119.

2.The Public Prosecutor
High Court, Madras.

+lcc to Mr.P.Ponpandian, Advocate, S.R.No.41234

CRL.O.P.No.15956 of 2018

CS/06/07/18



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