

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18271 of 2018
and Crl.M.P.No.9575 of 2018

N.Ramu ... Petitioner

Vs

1. The State rep. by
Inspector of Police,
V-1 Police Station,
Villivakkam, Chennai.
(Crime No.1324/2017. ...1st Respondent/Complainant

2.R.Radha ... 2nd Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482 of
Cr.P.C., praying to call for the records relating to Crime
No.1324 of 2017 on the file of the respondent police and quash
the same.

For Petitioner : Mr.Ramesh Umapathy
for Mr.S.Vijay

For Respondents : Mr.C.Raghavan [for R1]
Govt. Advocate

O R D E R

On the complaint lodged by Radha, the respondent Police
have registered a case in Crime No.1324 of 2017 on 29.10.2017
under Section 294[b] and 506[1] IPC against Ramu. For
quashing which, this petition has been filed.

2.Heard Mr.Ramesh Umapathy, learned counsel for the
accused and learned Government Advocate [Crl. Side].

3.Mr.Ramesh Umapathy submitted that the accused is the
owner of the property at door No.5/8, P-Block, 30th Street,
Agathiyar Nagar, Villivakkam, Chennai-49 and that, one
Kanchana had filed an injunction suit in O.S.No.7268 of 2015
against the accused and the same was dismissed by the XII
Assistant Judge, City Civil Court, Chennai on 01.07.2017.
While so, the present complaint has been given by Radha, who
is a relative of Kanchana making false allegations against the
accused.

4.Per contra, learned Government Advocate refuted the contentions.

5.On a reading of the FIR, it is alleged by Radha that Ramu is a local AIADMK Secretary and that, he had civil litigations with Kanchana, knowing that Radha is a relative of Kanchana, he would frequently abuse Radha and her husband; on 20.10.2017 around 11-30 p.m., while Radha was standing near her house, it is alleged that the accused had abused her and threatened her. Hence, the FIR.

6.This Court cannot go into disputed questions of fact in a quash petition under Section 482 Cr.P.C. Thus, when there are prima facie materials, the FIR cannot be quashed, in the light of the law laid down by the Supreme Court in State of Haryana Vs Bhajan Lal reported in 1992 Supp [1] SCC 335. However, taking into consideration the strained relationship between the accused and family members of Radha, this Court is of the view that it will be in the interest of justice, if the investigation in Crime No.1324 of 2015 be conducted by the Inspector of Police, Villivakkam and not by the Sub Inspector of Police. The Inspector of Police, Villivakkam Police Station shall complete the investigation expeditiously within a period of three months from the date of receipt of a copy of this order and either file a Closure Report or a Final Report as the case may be under due intimation to the de facto complainant.

With the above direction, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

To

1. The Inspector of Police,
V-1 Police Station,
Villivakkam, Chennai.

2.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.18271 of 2018

EV(CO)
SMI/02.08.2018