

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.19815 of 2018 and
CRL.M.P.No.10537 of 2018

1. K. Selvaraj
2. K.S. Sindhu .. Petitioners

Vs

1. The State Represented by
The Sub-Inspector of Police,
Erode North Police Station,
Erode District.
(Ref Crime No:457/2018)

2. K. Pavithran aged about 35
S/o Krishnasamy
C.K.K. Industrial Complex,
Tharapuram Road,
Tirupur District. ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call the records and quash the proceedings in Crime No.457/2018 pending on the file of the Erode North Police Station, Erode District for offences under Sections 294(b) and 506(i) IPC.

For Petitioners : M/s. Deepan Uday
For Respondents : Ms.M. Prabhavathi
Addl. Public Prosecutor for R1

O R D E R

It is the case of the petitioners that on the complaint lodged by the second respondent, the first respondent police have registered a case in Crime No.457 of 2018 for offences under Sections 294(b) and 506(ii) IPC against the petitioners herein, for quashing which, this application has been filed.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent.

3. For the sake of convenience, the parties will be referred to by their names.

4. K. Pavithran, the de facto complainant, got married to K.S.Sindhu, daughter of K. Selvaraj and their marriage ran into rough weather. Matrimonial proceedings are pending between the parties in GWOP No.3 of 2018 on the file of the Family Court, Erode and HMOP No.84 of 2018 on the file of the Principal Sub Court, Tiruppur. It is alleged by K.Pavithran that when he came to the Family Court on 18.06.2018, K. Selvaraj and K.S. Sindhu abused him at the entrance of the Court and threatened him. On the complaint given by K. Pavithran, initially petition enquiry in C.No.174 of 2018 was registered and after preliminary enquiry, the police have registered a regular case in Crime No.457 of 2018, as stated above.

5. The learned counsel for the petitioners submitted that no such incident has taken place on 18.06.2018 in the Family Court and K. Pavithran has given a false complaint only to file a transfer application in TR.C.M.P. No.476 of 2018 before this Court. Admittedly, TR.C.M.P. No.476 of 2018 is pending on the file of this Court. While so, if all further proceedings in Crime No.457 of 2018 are stayed, it will undoubtedly prejudice the case of K. Pavithran in the transfer application that is pending before this Court.

6. Admittedly, K. Selvaraj and K.S. Sindhu have been granted anticipatory bail in Cr.No.457 of 2018 and therefore, there is no immediate threat of arrest. As to the allegations that no such incident had taken place, these are disputed questions of fact, which cannot be gone into in a petition under Section 482 Cr.P.C.

7. Hence, this Criminal Original Petition is dismissed with a direction to the Inspector of Police, Erode, to conduct a thorough investigation in Cr.No.457 of 2018 and if it is found that the allegations are false, it is needless to state that further action against K. Selvaraj and K.S. Sindhu should be dropped. Consequently, connected miscellaneous petition is also dismissed.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

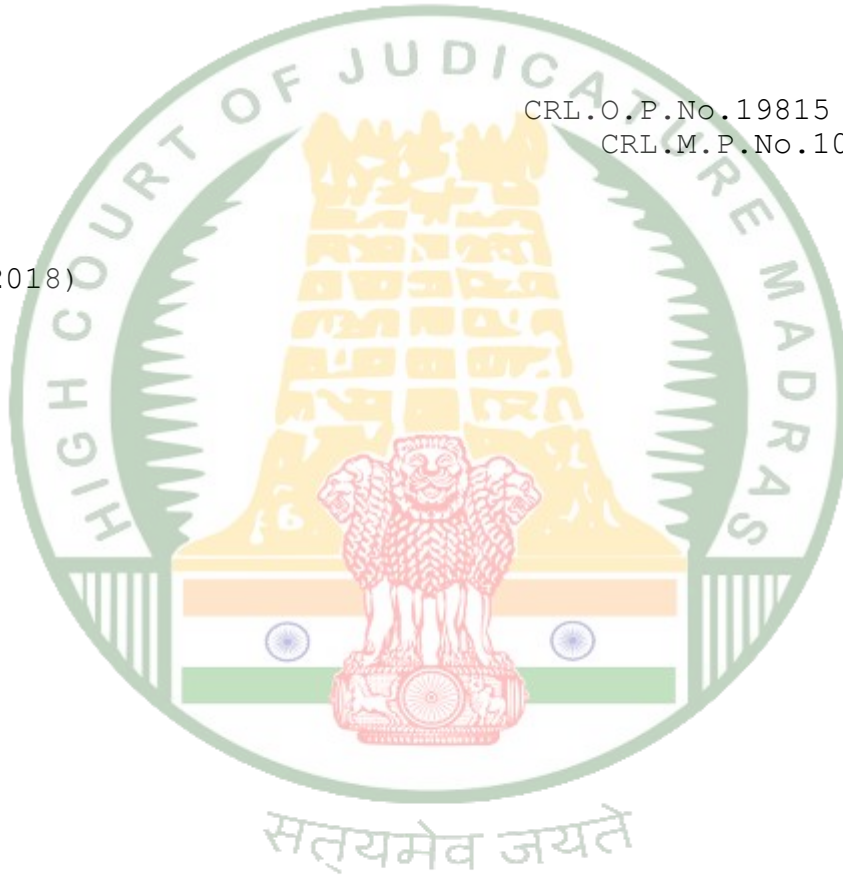
1. The Sub-Inspector of Police,
Erode North Police Station,
Erode District.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to M/s. Deepan Uday , advocate sr 54650.

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SP(30/08/2018)



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