

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8593 of 2017
and Crl.M.P.No.6131 of 2017

- 1.Munusamy
- 2.Lingesan
- 3.Santhoshkumar
- 4.Raji
- 5.Manivannan
- 6.Santhosh
- 7.Kalaiyarasan
- 8.Kumaran

...Petitioners/Accused No.1 to 8

Vs.

State by

- 1.The Inspector of Police,
M-5, Ennore Police Station,
Ennore,
Chennai-600 057.

...1st Respondent/Complainant

- 2.Gangadharan ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records relating to the Crime No.183 of 2017 on the file of the M-5, Ennore Police Station, Ennore, Chennai-600 057 to quash the same.

For Petitioners : Mr.C.Prabakaran

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

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O R D E R

This petition has been filed seeking to quash the FIR in Crime No.183 of 2017, pending on the file of the M-5, Ennore Police Station, Chennai.

2 This FIR has been registered based on the complaint given by the second respondent, who was working as Head Constable in the M-5, Ennore Police Station. It is seen from the records that on 14.01.2017, there was a wordy quarrel between

two groups and a complaint was given to the first respondent police, which was registered in Crime No.181 Of 2017 and was taken up for investigation on 15.01.2017 at 19.10 hours. There was yet another FIR registered in Crime No.182 of 2017 on 15.01.2017 and the said FIR was taken up for investigation on 15.01.2017 at 19.30 hours.

3 The learned counsel for the petitioners would submit that the third FIR came to be registered against the petitioners in Crime No.183 of 2017 and the same is said to have been given by the Head Constable of the police on 15.01.2017 at about 21.30 hours. The learned counsel would submit that the entire F.I.R is false, due to the fact that all the petitioners were admitted in the hospital due to the incident and the earlier FIRs were registered only based on the statement taken by the police in the hospital and therefore, the alleged incident as projected in the FIR could not have happened on 15.01.2017 and the FIR is attended with malafides.

4 The learned counsel for the petitioner would submit that the earlier two FIRs were quashed by this Court, since the parties entered into compromise among themselves. Therefore, the learned counsel would submit that the present FIR is an abuse of process of law and the same needs to be quashed in exercise of jurisdiction under Section 482 of Cr.P.C.

5 The learned Additional Public Prosecutor would submit that this Court cannot interfere with the FIR at this stage, since the petitioners attacked the Head Constable in the police station and therefore investigation must be continued and a final report will have to be filed in this case.

6 This Court has carefully considered the submissions made on either side. The material available on record clearly shows that the incident which is the subject matter of the FIR under challenge could not have happened on 15.01.2017, since at that point of time, the petitioners were admitted in the hospital and only based on the statement given by the petitioners in the hospital the earlier FIR in Crime Nos.181 and 182 were registered by the same respondent police. The respondent police resorted to filing repeated FIRs against these petitioners the same clearly amounts to abuse the process of law.

7 In view of the above, the FIR in Crime No.183 of 2017 on the file of the respondent police is hereby quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Inspector of Police,
M-5, Ennore Police Station,
Ennore,
Chennai-600 057.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Thiru .C.Prabakaran, Advocate Sr.84598

Cr1.O.P.No.8593 of 2017

mr[col]
srg 04/01/2019

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