

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P Nos.23419 and 23422 of 2018
and
CRL.M.P.Nos.13128 and 13131 of 2018

1. Tamilarasi .. First petitioner in
Crl.O.P.No.23419 of 2018 and
petitioner in Crl.O.P.No.23422 of 2018
2. Kennedy .. Second petitioner in
Crl.O.P.No.23419 of 2018

..Vs..

- 1.Kaliraj
- 2.Sub Inspector of Police,
Omerabad Police Station,
Ambur Taluk,
Vellore District. Respondents
in both Crl.O.P.s

Prayer in Crl.O.P.No.23419 of 2018: Criminal Original Petition
filed under Section 482 Cr.P.C. to call for the records
pertaining to the case in FIR No.148 of 2018 on the file of
Omarabad Police Station, Vellore District, the second respondent
and quash the same.

Prayer in Crl.O.P.No.23422 of 2018: Criminal Original Petition
filed under Section 482 Cr.P.C. to call for the records
pertaining to the case in FIR No.97 of 2018 on the file of
Omarabad Police Station, Vellore District, and quash the same.

For Petitioner : M/s.S.Thamizharasi
(in both Crl.O.Ps)
For Respondents
(in both Crl.O.P.s) : Mrs.M.Prabhavathi (R2)
Additional Public Prosecutor

C O M M O N O R D E R

These Criminal Original Petitions in Crl.O.P.Nos.23419 of 2018 and 23422 of 2018, have been filed to call for the records in FIR Nos.148 of 2018 and 97 of 2018 respectively pending on the file of Omarabad Police Station, Vellore District, and quash the same.

2. It is seen that there has been running battle between the petitioners' family and the family of the first respondent for over a period of time, resulting in both sides lodging complaints against each other. Thus, on the complaint lodged by Kaliraj, the second respondent police registered a case in Crime No.148 of 2018 on 18.05.2018 under Sections 294 (b), 323 and 506 (i) against Tamilarasi and her brother Kennedy, for quashing which they have filed Crl.O.P.No.23419 of 2018. Similarly, on the complaint given by Tamilarasi, the police have registered a case in Crime No.159 of 2018 on 27.05.2018 in respect of the incident that is said to have taken place on 30.04.2018, for the offences under Sections 294 (b), 323, 506(i) IPC against Kaliraj, his wife Susila and daughter Lokjaannani.

3. On another complaint lodged by Kaliraj, the second respondent police have registered a case in Crime No.97 of 2018 on 18.03.2018 under Sections 294(b), 324 and 506 (i) I.P.C. against Tamilarasi. Likewise, on the complaint lodged by Tamilarasi, the second respondent police have registered a case in Cr.No.96 of 2018 on 18.03.2018 under Sections 294(b), 323, 506 (i) I.P.C. and Section 4 of the Women Harassment Act against Kaliraj.

4. The learned counsel for the petitioners submitted that Tamilarasi is a teacher by profession and Kaliraj has no job but to send petitions after petitions against her in order to wreck vengeance. Therefore, she submitted that both the F.I.Rs are abuse of process of law.

5. Per contra, the learned Additional Public Prosecutor refuted the said contentions.

6. On a reading of the impugned F.I.Rs, it is seen that there are prima facie materials for investigation to proceed. Admittedly, cases have also been registered against Kaliraj on the complaints given by Tamilarasi. Therefore, this Court cannot quash the FIRs lodged on the basis of the complaints given by Kaliraj at the threshold.

7. Hence, these petitions are dismissed with a direction to the Deputy Superintendent of Police, Ambur Sub Division to monitor the investigation in the above cases which are being conducted by Umarabad police and if it is found that the

complaints against the petitioners are false, it is needless to state that further action against the petitioners should be dropped.

With the above observations, these petitions are closed. Connected Crl.M.Ps are also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Plice,
Ambur Sub Division

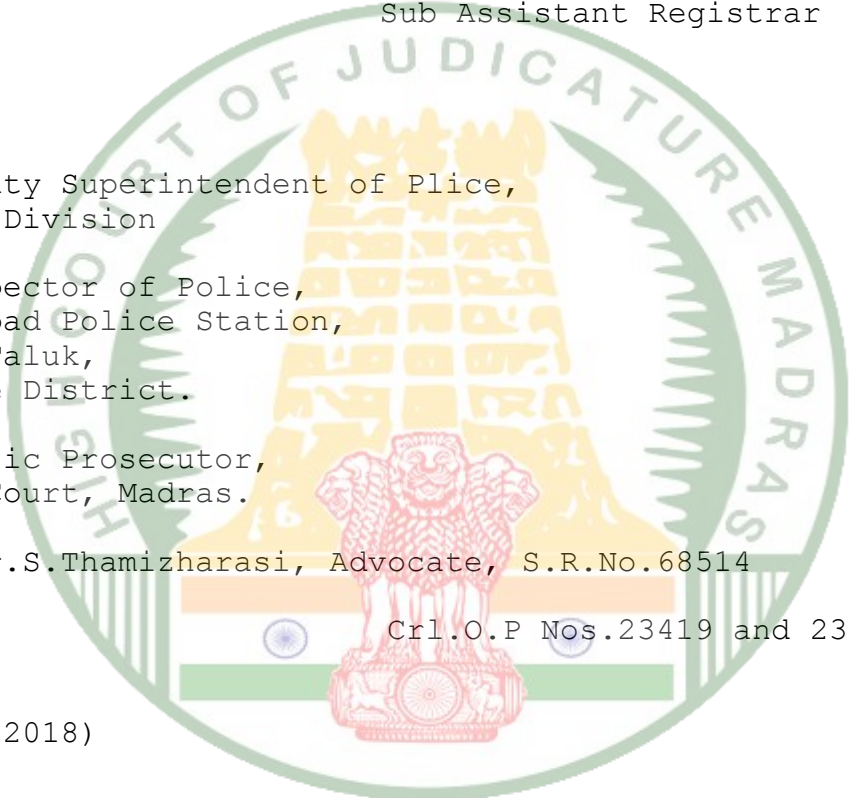
2.Sub Inspector of Police,
Oomerabad Police Station,
Ambur Taluk,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Thamizharasi, Advocate, S.R.No.68514

Crl.O.P Nos.23419 and 23422 of 2018

GSP(29/10/2018)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the gopuram. Below the gopuram is a red lion capital with a face. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

सत्यमेव जयते

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