

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.11.2018
CORAM
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
Crl.O.P.No. 24185 of 2018
and Crl.M.P.No.13701 of 2018

K.Udhayakumar

..Petitioner

Vs

1.The State rep by
The Inspector of Police,
E.1,Ponneri Police Station,
Ponneri, Thiruvallur District.

2.R.Ramesh

..Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records FIR in Crime No.150 of 2018 registered by the 1st respondent and quash the same.

For Petitioner : Mr.Soundar Vijay Arul Ram

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

ORDER

This petition has been filed for seeking quash the FIR in Crime No.150 of 2018, pending on the file of the first respondent.

2 The learned counsel appearing for the petitioner would submit that the first petitioner had given a complaint against the second respondent and two others on 22.04.2018 before the respondent police and the same was registered in Crime No.149 of 2018 for the alleged offences under Section 341, 294(b), 323, 324 and 502(2) IPC. As a counter blast, the second respondent has given a false complaint against the petitioner on the very same day before the respondent police and the same has also been registered in Crime No.150 of 2018 for the alleged offences under Section 294(b), 323 and 325 IPC. According to the learned counsel for the petitioner, the entire complaint given by the second respondent is false and the second respondent has given the complaint only to get over the complaint that was already given by the petitioner against him and two others and which was registered in Crime No.149 of 2018. The learned counsel would further submit that there are absolutely no injuries found as against the second respondent and the same is evident from the wound certificate that has been relied upon by the second respondent.

3 Admittedly, this is a case, where there is a case and a counter case and both are investigated by the respondent police. At this stage, it will be difficult for this Court to interfere with one of the FIR, since both the FIR's in this case are based on the very same incident. Therefore, it must be left to the Investigating Officer to investigate both the FIRs, in order to find out the true facts. This Court is not inclined to interfere with the FIR registered in Crime No.150 of 2018 at this stage.

4 The first respondent is directed to complete the investigation in Crime Nos.149 of 2018 and 150 of 2018, within a period of two months from the date of receipt of a copy of this order and file a final report before the appropriate Court.

5 With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Criminal Miscellaneous Petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rpl/lpp

To

1.The State rep by
The Inspector of Police,
E.1,Ponneri Police Station,
Ponneri, Thiruvallur District.

2.The Public Prosecutor
High Court, Madras.

+lcc to Mr.M.Soundher Vijay Arul Ram, Advocate, S.R.No.77084

Cr1.O.P.No. 24185 of 2018
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rrs 26/11/2018