



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WEB COPY

Cr1.O.P.(MD).No.12593 of 2017
and
Cr1.M.P.(MD).No.8671 of 2017

Tmt.Gokilarani

...Petitioner / 2nd Accused

Vs.

1.State through represenated by

Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.
(Crime No.43 of 2017)

...Respondent /Complainant

2.Umapathy

...Respondent / De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in Crime No.43 of 2017, pending on the file of the respondent Police and quash the same.

For Petitioners	: Mr.R.Mathiyalagan
For R1	: Mrs.Bharathi Government Advocate
For R2	: MrK.Sudalaiyandi

ORDER

This Criminal Original Petition has been filed for seeking to quash the First Information Report in Crime No.43 of 2017, pending on the file of the first respondent Police.

2.The petitioner has been arrayed as Accused No.2 in the First Information Report. The only allegation that has been made against this petitioner in the complaint is that she was also present in the scene of occurrence along with Accused No.1, who attacked the victim with Aruval and she only instigated the Accused No.1 to commit the offence.

3.The learned counsel appearing for the petitioner would submit that the petitioner was not even there in the scene of occurrence and she is unnecessarily roped in this case. The learned counsel would further submit that the petitioner is a Teacher, working in the Government School and her name has been included in the First Information Report, only to create a bad name for the petitioner. The learned counsel would further submit that the second respondent in this case had committed the murder of brother of this petitioner.



4.The learned Government Advocate would submit that the respondent Police have already completed the investigation and a final report has been made ready.

5.The learned counsel appearing for the second respondent would submit that there are necessary allegations against the petitioner and therefore, this Court cannot quash the First Information Report at this stage.

6.This Court has carefully considered the submissions made on either side. The grounds raised by the petitioner cannot be considered at the stage of quashing of the First Information Report. The Court has to merely look into the allegations in the First Information Report in order see whether the offences has been made out against the petitioners. In view of the fact that the respondent Police have already completed the investigation, it will be appropriate to direct the respondent Police to file a final report. Thereafter, the petitioner will always have the liberty to question the final report, if so advised.

7.This Criminal Original Petition is dismissed and the respondent Police is directed to file a final report within a period of four weeks from the date of receipt of copy of this order. It is left open to the petitioner to challenge the final report, if so advised. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Mathiyalagan, Advocate, SR.No. 88272
+1cc to Mr.K.Sudalaiyandi, Advocate, SR.No. 88235

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tsg