



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.14262 of 2017

and

CRL.M.P.(MD) No.9514 of 2017

WEB COPY

Greeta : Petitioner / 3rd Accused

-Vs-

1. State represented by
Inspector of Police,
Thideer Nagar Police Station,
Madurai. : Respondent / Complainant

2. Mariadass : Respondent / De-facto complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in connection with Crime No.397 of 2017 on the file of the first respondent police and quash the FIR insofar as the petitioner is concerned.

For Petitioner : Mr.S.Poorna Chandran
For Respondent 1 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

O R D E R

This petition is filed for quashing the First Information Report in Crime No.397 of 2017 on the file of the first respondent police.

2.The petitioner is the third accused in the complaint. The second respondent lodged a complaint as against the petitioner and others and the same was registered in Crime No.397 of 2017 on the file of the first respondent for the alleged offences punishable under Section 341, 294(b), 323 and 109 I.P.C. It is stated in the complaint that at the instigation of the petitioner / third accused, the other accused have committed the crime.

3.It is well settled that the truth or otherwise on the allegation made in the complaint cannot be considered at this stage in the petition filed by the petitioner for quashing the criminal complaint. The petitioner stated that there is a motive



for giving a false complaint against the petitioner and that the complaint is not sustainable having regard to the admitted position that no overt act has been alleged as against the petitioner. The contention of the learned counsel for the petitioner has no merits. The petitioner is charged for offences punishable under Sections 341, 294(b), 323 and 109 I.P.C. Having regard to the nature of complaint and the specific allegation made against the petitioner, this Court is not inclined to hold that the complaint does not make out a case or disclose any offence as against the petitioner. The probability or motive as submitted by the learned counsel for the petitioner cannot be a ground for quashing the criminal complaint. Hence, this petition is dismissed as devoid of merits with a cost of Rs.1,000/- (Rupees one thousand only) payable to the credit of the Chief Justice Relief Fund within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected criminal miscellaneous petition is closed.

4. Post the matter for compliance after two weeks from the date of issuance of the order copy.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Thideer Nagar Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Section Officer,
Account Section,
Madurai Bench of Madras High Court,
Madurai.

Srm

MK/KK/SAR-3/10.11.2017/2P/4C

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