



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD)No.9516 of 2018
and
Crl.M.P.(MD)No.4204 of 2018

Sameshwaran

... Petitioner/Sole Accused

Vs.

1.The State represented by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.200/2018)

...1st Respondent / Complainant

2.A.Subha

...2nd Respondent / defacto complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the impugned FIR registered in Crime No.200 of 2018 dated 22.05.2018 on the file of the 1st respondent and quash the same.

For Petitioner
For Respondent

: Mrs.Vidya for K.M.Arunprasad
: Mr.Prabhu Ramachandran
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.200 of 2018, dated 22.05.2018 on the file of the first respondent as against the petitioner.

2.According to the petitioner the second respondent/de-facto complainant has lodged a complaint before the first respondent and the same has been registered in Crime No.200 of 2018 on 22.05.2018 for offences under Sections 448 and 506(i) IPC r/w Section 12 of POCSO Act.

3.The learned counsel appearing for the petitioner submitted that the petitioner's father preferred a complaint against one Amsath Kumar, the husband of the de-facto complainant and Ranjith Kumar the brother of the said Amsath Kumar, based on which a case in Crime No.198 of 2018 has been registered. Thereafter, due to wreck vengeance, the second respondent/de-facto complainant lodged the present complaint against the petitioner and therefore, the petitioner has filed the present petition seeking the aforesaid relief.



4.The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that on the basis of the complaint given by the second respondent/de-facto complainant, the present case has been registered against the petitioner in Crime No.200 of 2018. He further submitted that it is the case of counter complaint and the investigation is also pending.

5.As pointed out by the learned Government Advocate(crl.side), the investigation in Crime No.200 of 2018, is pending. Therefore, at this stage, it is not possible to ascertain the nature of offence, mainly cognizable or non cognizable. Therefore, this Court cannot grant the relief as sought by the petitioner and hence, this petition is dismissed. However, taking note of the fact that the petitioner is working in Indian Army, this Court directs the respondent police to complete the investigation in Crime No.200/2018, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.C.Abulkalamazad, Advocate SR.No. 69041

Crl.O.P. (MD)No.9516 of 2018
20.06.2018

ns

JM/PN/SAR 2/18.07.2018/2P/4C