



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.07.2018
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WEB COPY

CRL.OP.(MD)No.12580 of 2018
and
CRL.MP.(MD)No.5725 of 2018

1.Fakrudeen
2.Jesikala

... Petitioners/Accused Nos.1&2
Vs.

1.The State rep. by
The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
(Crime No.314 of 2015)

...1st Respondent/Complainant

2.Sugirtharaj

...2nd Respondent/Defacto
complainant

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the case in Crime No.314 of 2015, under Sections 429, 294(b) and 506(ii) IPC, pending investigation on the file of the first respondent and quash the same.

For Petitioners : Mr.R.Aravind Raj
For R.1 : Mr.Prabhu Ramachandran
Government Advocate (Crl. side)

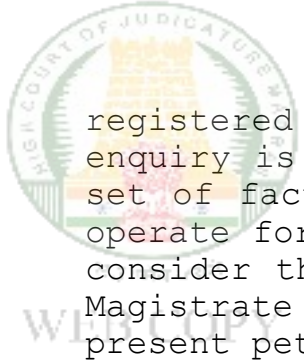
ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.314 of 2015, dated 18.08.2015, pending on the file of the first respondent police.

2. Heard the learned Counsel appearing for the respective parties.

3. The learned Counsel for the petitioners would submit that due to previous enmity, the present complaint has been lodged by the de-facto complainant stating that the petitioners have poisoned the de-facto complainant's Hens and Turkey and also made life threat to her. He would further submit that no material has been recovered by the first respondent police in respect of the alleged complaint. Since the said complaint is a foisted one, the learned Counsel prays for quashing the same.

4. The learned Government Advocate (Crl. Side), on instructions, would submit that the based on the complaint given by the second respondent / de-facto complainant, a case has been



registered in Cr.No.314 of 2015. He would further submit that enquiry is pending and whether the present complaint contains wrong set of facts can be decided only if the petitioners appear and co-operate for enquiry. After investigation, the first respondent shall consider the same and submit a report before the concerned Judicial Magistrate and therefore, he would submit that, at this stage, the present petition is not at all warranted.

5. In view of the submission made by the learned Counsel on either side, this Court is not inclined to interfere with the impugned proceedings at this stage. Hence, this Criminal Original Petition is disposed of, with a direction to the first respondent police to issue summons to the parties concerned, in the manner known to law and complete the investigation within a period of three weeks from the date of receipt of a copy of this order, since the complaint is of the year 2015 and thereafter, file a report before the concerned Judicial Magistrate. On receipt of summons, the parties shall appear before the first respondent police and co-operate for enquiry. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar(cs-III)

To

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

+1CC to Mr.R.Aravindraj Advocate in SR.No.75457.

GK
DS/SKN-RSK/SAR-3 :09.08.2018: 2P/4C

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