



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Cr1.O.P. (MD) No.13436 of 2018

and

Cr1.M.P. (MD) No.6042 of 2018

R.Kamaraj ... Petitioner/Sole Accused

vs.

1. The Sub Inspector of Police,
E-6, Sayalgudi Police Station,
Ramanathapuram District,
In Crime No.186 of 2016. ... 1st Respondent / Complainant

2.K.Ganesan ... 2nd Respondent /
De facto Complainant

PRAYER: Criminal original petition filed, under Section 482 Cr.P.C., to call for the records in relating to Cr.No.186 of 2016 on the file of the first respondent police, quash the same.

For Petitioners : Mr.H.Elango

For R1 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, to quash the proceedings in Crime No.186 of 2016, on the file of the first respondent Police.

2. The learned counsel for the petitioner submitted that due to civil dispute, one Ganesan, S/o.Karuppasamy and Jeyakumar, S/o.Kasinathan attacked the petitioner with iron rod and he sustained several injuries. Therefore, the petitioner has lodged a complaint before the Sayalgudi Police Station and a case has been registered in Cr.No.185 of 2016. In view of the complaint given by the petitioner, the defacto complainant has also given a counterblast complaint against the petitioner and the same was registered in Cr.No.186 of 2016. Therefore, the proceeding in Crime No.186 of 2016, on the file of the first respondent, is liable to be quashed.

3. The learned Additional Public Prosecutor appearing for the first respondent submitted that at the stage of investigation, the



FIR cannot be quashed and he further submitted that the first respondent police will conduct a fair investigation in the complaint preferred by the defacto complainant.

4. On a perusal of the complaint preferred by the petitioner in Cr.No.185 of 2016 and the complaint preferred by the defacto complainant in Cr.No.186 of 2016, the complaints are only counter complaints.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and perused the materials placed on record.

6. After hearing both side and perusing the materials placed on record, it is seen that the proceeding in Crime No.186 of 2016, on the file of the first respondent - Police, is at the stage of investigation. In **State of Haryana and Others vs. Bhajan Lal**, reported in **[1992 Supp (1) SCC 335]**, the Honourable Supreme Court has laid down certain parameters for quashing an F.I.R. Following the same, in **the State of Andhra Pradesh vs. Vangaveeti Nagaiah**, reported in **AIR 2009 SC 2646**, the Honourable Supreme Court has held that while exercising powers under Section 482 Cr.P.C., the Court should not function as a court of appeal or revision. Inherent jurisdiction under Section 482 Cr.P.C., though wide has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the Section itself. The facts of the present case do not pass muster the law laid down in the above cited Judgments. In such view of the matter, this Court is of the view that this is not a fit case, wherein the F.I.R., can be quashed.

7. In the light of the above, the first respondent is directed to complete the investigation in Cr.No.186 of 2016 and to file a final report, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Sub Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
E-6, Sayalgudi Police Station,
Ramanathapuram District.



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

+1cc to Mr.K.S.Muthu, Advocate Sr.No.76509

AM

VB/MMS/SAR3/20.08.2018/3P/4C

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