

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.29873 of 2015 and 25956 of 2017
and Crl.M.P.No.1 of 2015

Crl.O.P.No.29873 of 2015 :-

Balaji ...Petitioner/Accused
-Vs-

- 1.State by,
The Inspector of Police,
All Women Police Station,
Puducherry - 1. ...Respondent/Complainant
- 2.Dr.Sangaraju Padmavathamma,
Ayurveda Physician,
PHC, Lawspet,
Puducherry.
- 3.The Inspector of Police,
All Women Police Station,
Villianur,
Puducherry.
(The 3rd respondent is impleaded
as per the order of this court
dated 04.02.2016, made in
Crl.M.P.No.849 of 2016) ...Respondents/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Crime No.5/2015 pending on the file of the Inspector of Police, All Women Police Station, Villienour, Puducherry and quash the same. (Prayer amended as per the order of this Court dated 04.02.2016 made in Crl.M.P.No.848 of 2016)

For Petitioner : Mr.P.Parthiban

For Respondents

For R1 & R3 : Mr.V.Balamurugan

Additional Public Prosecutor (Pondy)
WA for R2

Crl.O.P.No.25956 of 2017 :-

Dr.Sangaraju Padmavathamma ...Petitioner/Defacto Complainant
-Vs-

The Inspector of Police
All Women Police Station,
Villianur, Pudhucherry. ...Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent police to file the charge sheet in Crime No.5 of 2015 dated 13.05.2015 on the file of the Inspector of Police, All Women Police Station, Villianur, Pudhucherry.

For Petitioner : No appearance

For Respondent : Mr.V.Balamurugan
Additional Public Prosecutor

COMMON ORDER

Both the petitions are arising out of the F.I.R in Crime No.5 of 2015 pending on the file of the third respondent namely the Inspector of Police, All Women Police Station, Villianur, Puducherry.

2. The learned counsel for the petitioner in Crl.O.P.No.29873 of 2015 would submit that the F.I.R has been registered for the offences under Sections 354 and 355 of I.P.C against the petitioner. Further he submitted that even as per the allegations made in the complaint, there is absolutely no avernments to attract the offences under Sections 354 and 355 of I.P.C. The allegations is that on 12.09.2013, when Dr.N.Balaji, Director, DISM & H conducted a meeting at his chamber to discuss about the DAP course. The defacto complainant attended the discussion and while he came out from his chamber, the petitioner got up from his chair and threatened and also beat him. Therefore, he prayed to quash the F.I.R.

3. The learned Public Prosecutor would submit that the F.I.R has been originally registered in Crime No.6 of 2013 on the file of the Inspector of Police Station, Puducherry and subsequently, transferred to the All Women Police Station, Villianur and renumbered as Crime No.5 of 2013 for the offences under Sections 354 and 355 of I.P.C and the investigation is still pending.

4. Though the second respondent in Crl.O.P.No.29873 of 2015, has been served and a counsel had entered appearance,

today no one is appeared on behalf of the second respondent.

5. Heard Mr.P.Parthiban, learned counsel appearing for the petitioner in Crl.O.P.No.29873 of 2015 and Mr.V.Balamurugane, learned Additional Public Prosecutor appearing for the respondents 1 & 3 in both cases.

6. It is seen from the FIR the allegations are simple in nature. That apart, the above allegations are not at all attract any of the offences registered by the third respondent, under Sections 354 and 355 of I.P.C. It is also seen that the petitioner and the defacto complainant/second respondent have previous enmity and therefore this false complaint has been foisted against the petitioner. It is nothing but clear abuse of process of law. Even considering the case, the first respondent registered the case in Crime No.6 of 2013 and subsequently, transferred the same for the investigation to the file of the third respondent and renumbered as Crime No.5 of 2015. Therefore, this Court is inclined to quash the F.I.R.

7. Accordingly, this criminal original petition in Crl.O.P.No.29873 of 2015 is allowed and the FIR in Crime No.5 of 2015 on the file of the third respondent is quashed. Consequently, connected miscellaneous petition is closed.

8. In view of the order passed in Crl.O.P.No.29873 of 2015, the prayer sought for in the criminal original petition in Crl.O.P.No.25956 of 2017 is nothing survives and hence this petition is dismissed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

jas/rts

To

1.The Inspector of Police,
All Women Police Station,
Puducherry - 1.

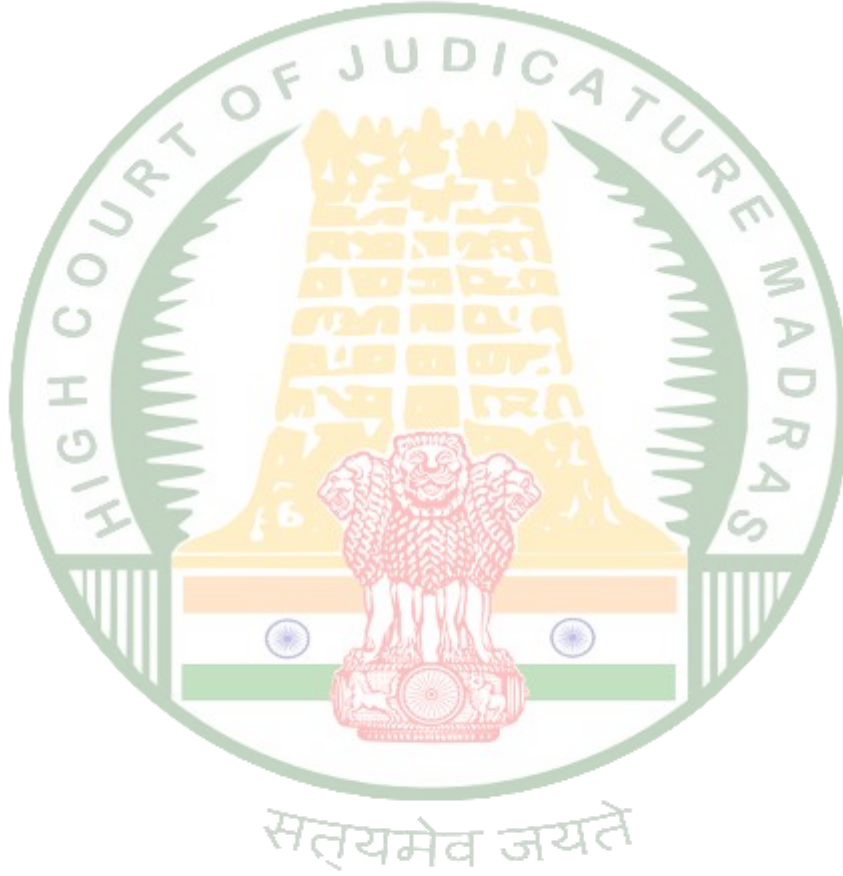
2.The Inspector of Police,
All Women Police Station,
Villianur, Puducherry.

+1cc to Public Prosecutor for Puducherry SR.No.18967, 18968

+2cc to Mr.Parthiban Padmanabane, Advocate SR.No.18781
(01/07/2019)

Crl.O.P.No.29873 of 2015
& Crl.M.P.No.1 of 2015
and Crl.O.P.No. 25956 of 2017

VBA (CO)
GMY (23/03/2019)



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