

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.03.2020
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P. No. 7595 of 2018
and
Crl.M.P. No. 3918 of 2018

1. Molly Manoj
2. Marvel Johan Manoj
3. Melvin Gcever Manoj
4. Rinto Chandy

... Petitioners

Vs.

1. The State rep by
Rep by Inspector of Police,
D1, Ramanathapuram,
Coimbatore.
FIR No. 23 of 2018.

2. Linto V.R.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records pursuant to the Crime No.23 of 2018 on the file of First Respondent, quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.D.Udhayasuriyan

For Respondents

For R1 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 23 of 2018 registered for the offences under Section 75(1) (c) of the Tamil Nadu City Police Act and Section 506(1) of the Indian Penal Code, 1860.

2. On perusal of the FIR, there is absolutely no ingredients to make out the case for the offences registered by the First Respondent herein. Even, according to the prosecution, the Second Respondent lodged a complaint and the First Respondent without even any allegation to attract the offences under Sections 75(1) (c) of the Tamil Nadu City Police Act and Section 506(1) of IPC as against the Petitioners. In

fact, already the petitioner lodged a complaint and the same has been registered in Crime No.1430 of 2016, which is now pending before the learned Judicial Magistrate No.VI, Coimbatore. .

3. Therefore, the present complaint is nothing but the counter complainant lodged by the Petitioner. However, the Petitioner alleged the defacto complainant and scolded with filthy language and also threatened the defacto complainant with dire consequences through phone. Therefore, the FIR cannot be sustained for investigation and it is nothing but clear abuse of process of law.

4. In the facts and circumstances of the case, the proceedings in F.I.R. in Crime No. 23 of 2018, dated 08.01.2018 on the file of the first respondent police for the offences under Section 75(1) (c) of the Tamil Nadu City Police Act and Section 506(1) of IPC is quashed and accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

arb
To

1. The Inspector of Police,
D1, Ramanathapuram,
Coimbatore.
2. The Public Prosecutor,
Madras High Court,
Madras.

+1 cc to Mr.S.Saravanan Advocate sr23107

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aa30/07/2020