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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition Nos.3266 and 6193 of 2014
and M.P.Nos.1 & 1 of 2014

K.R.Selvarajkumar ... Petitioner (in both Crl.OPs)

-vs-

1.State of Tamil Nadu
Rep.by its
Inspector of Police,
Law & Order,
N-2 Kasimedu Police Station,
Kasimedu, Chennai - 13.

2.Parasuraman

3.Selvamani

4.Sugumar

...Respondents (in
Crl.OP.No.3266/2014)

1.State of Tamil Nadu
Rep.by its
Inspector of Police,
Law & Order,
N-2 Kasimedu Police Station,
Kasimedu, Chennai - 13.

2.Parasuraman ...Respondents (in Crl.OP.No.6193/2014)

Common Prayer: Criminal Original Petitions filed under Section 482 Cr.P.C., to call for the records and quash the FIR in Crime Nos.113 & 179 of 2014 on the file of the 1st respondent herein.

For Petitioner : Mr.A.Thirumaran
(in both Crl.OPs)

For Respondents: Mr.R.Surya Prakash
Government Advocate (Crl.Side)
for R1
(in both Crl.OPs)
No appearance for RR2 to 4 in
Crl.O.P.No.3266 of 2014 and
for R2 in Crl.O.P.No.6193of2014.

C O M M O N O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>
The 1st respondent Police registered a case in Crime No.113 of 2014 as against the petitioner for the offence under Section 294(b), 324 and 506(ii) IPC and also a case in Crime No.179 of



2014 for the offence under Section 147, 148, 294(b) and 355 IPC, based on the complaints given by respondents 2 to 4. The petitioner has been arrayed as A1 in both the complaints. During investigation, the petitioner/A1 has filed the present petition to quash the F.I.Rs.

2.The learned counsel for the petitioner would submit that no offence is made out as against this petitioner. He was not at all present in the scene of occurrence. He further submitted that the petitioner himself has given a complaint before the Commissioner of Police, Egmore, Chennai, on 03.02.2014. Since no action has been taken, he lodged a complaint before the learned XVI Metropolitan Magistrate, George Town, Chennai, under Section 97 Cr.P.C. Thereafter, on the directions of the learned Magistrate, the complaint given by the petitioner came to be registered. He further submitted that two complaints were made and two F.I.Rs were registered for one offence and there is no prima facie allegation as against this petitioner in the F.I.R. Therefore, the F.I.Rs. are liable to be quashed.

3.The learned Government Advocate (Crl.side) would submit that since this Court has granted stay, the 1st respondent Police could not investigate the matter. Only investigation would reveal the actual facts. Therefore, these petitions are liable to be dismissed.

4.Heard the learned counsels on either side and perused the records.

5.Admittedly, the private respondents 2 to 4 have given a complaint before the 1st respondent Police as against the petitioner and others for violating of procedures contemplated under Section 25 and 26 of Constitution of India for funeral and funeral procession of the petitioner's father and also for threatening the respondents with dire consequences and attacked them with wooden logs. Therefore, the FIRs came to be filed. Whether the alleged offence had taken place or not, whether the petitioner is involved in the said offence, all these facts will come to know only after investigation. Therefore, this Court feels that investigation in this matter should go on.

6.Accordingly, these Criminal Original Petitions are dismissed. The 1st respondent Police is directed to investigate the matter and file a charge sheet before the jurisdictional Magistrate within a period of three months from today. Connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar



To

1. The Inspector of Police,
Law & Order,
N-2 Kasimedu Police Station,
Kasimedu, Chennai - 13.

2. The Commissioner of Police,
Egmore, Chennai.

3. The XVI Metropolitan Magistrate,
George Town, Chennai.

4. The Chief Metropolitan Magistrate,
Chennai.

5. The Public Prosecutor,
High Court, Madras.

kk(co)
krd 15/7

Crl.O.P.Nos.3266 and 6193 of 2014