



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P.(MD)No.15302 of 2020
and
Crl.M.P(MD).No.7400 of 2020

1.C.Seerangaraj
2.Kamalesh
3.Muthukannu
4.Pannerselvam

... Petitioners/Accused Nos. 1 to 4

Vs.

1.State represented through
The Inspector of Police
Pattukottai Taluk Police
Thanjavur
(Crime No.22 of 2020)

...Complainant/1st Respondent

2.Prabhu

...2nd Respondent/Defacto Complainant

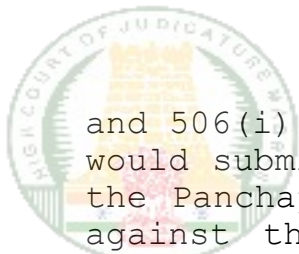
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the FIR in Crime No.22 of 2020 on the file of the first respondent police and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.S.S.Sundarapandian
For R1 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records relating to the FIR in Crime No.22 of 2020 on the file of the first respondent police and quash the same as illegal insofar as the petitioner is concerned.

2.The allegation in the complaint is that on 30.01.2020 around 7.30 p.m, when the defacto complainant/second respondent and one Anbarasu drove the bike in Karambaiyam, Kaathrikollai Chavadi Road, the petitioners blocked the defacto complainant and his friend and attacked them. Hence, the defacto complaint lodged a complaint, based on that, the respondent police registered a case in Crime No.22 of 2020 for the offence under Sections 341, 294(b), 323, 324



and 506(i) I.P.C against the petitioners herein. The learned counsel would submit that the defacto complainant already have a motive in the Panchayat Council Election that the petitioner's relative stand against the defacto complainant's mother. By this Vengeance, the defacto complainant gave extreme annoyance to the petitioners. On 29.01.2020, the friend of the defacto complainant had trespassed into the first petitioner's sister's house and had misbehaved with her. Hence, she gave a complaint to the respondent police. Subsequently, a case was registered in Crime No.20 of 2020 for the offence under Sections 447, 354B, 294(b) and 506(ii) I.P.C., Thereafter, on 30.01.2020, the first petitioner gave a complaint against the defacto complainant stating that the defacto complainant assaulted the petitioner and his friends. Based on that, a case was registered in crime No.21 of 2020 for the offence under Sections 294 (b), 352, 323 and 506(i) I.P.C. against the defacto complainant. The grievance of the petitioners is that the defacto complainant suppressed all the facts and lodged a false complaint against the petitioners. Hence, the petitioners are before this Court.

3.The learned Additional Public Prosecutor appearing for the first respondent, on instructions, would submit that there is a case of case in counter . In this case, there are totally three cases were registered in Crime Nos. 20, 21 and 22 of 2020 respectively and all are pending.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

5.It is a case of case in counter. Considering the offence committed by both parties, this Court is not inclined to quash the F.I.R in Crime No.22 of 2020. However, considering the facts and circumstances of the case, the respondent police is directed to investigate all the cases together and file the final report within a period of three months from the date of receipt of a copy of this order.

6.Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

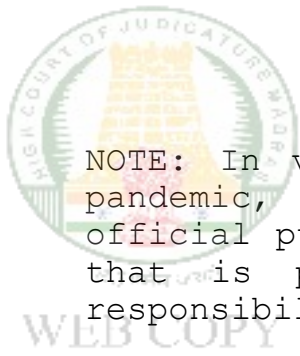
Assistant Registrar(CO)

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Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police
Pattukottai Taluk Police
Thanjavur

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

+1 CC to Mr.S.S.SUNDARAPANDIAN, Advocate SR.No. 27317

Crl.O.P.(MD)No.15302 of 2020
and
Crl.M.P(MD) .No.7400 of 2020
23.12.2020

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