



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD) No.6657 of 2016 and

CRL.M.P. (MD) Nos.3348 & 3349 of 2016

WEB COPY

1. Nagoor Ambalam
2. Noormohamed
3. Amanullah
4. Naina Mohamed
5. Moosha
6. Dhanusbeevi
7. Sithisulaiha
8. Sarina Begam

...Petitioners/Accused

Vs.

Idhayadulla

... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in the private complaint in S.T.C.No.847 of 2015 on the file of the learned Judicial Magistrate, Thiruvadanai and quash the same.

For Petitioners : Mr.S.A.Ajmal Khan

For Respondent : Mr.D.Venkatesh

O R D E R

The petitioners are shown as accused in S.T.C.No.847 of 2015 on the file of the Judicial Magistrate, Thiruvadanai, for the offences under Sections 341, 294(b) and 506(i) of I.P.C.

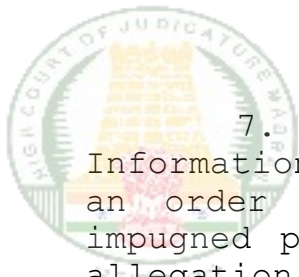
2. It is a private complaint instituted by the respondent herein. To quash the same, this criminal original petition has been filed.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds and wanted this Court to quash the impugned proceedings.

4. The learned counsel appearing for the respondent submitted that no case for quashing has been made and wanted this Court to relegate the parties to work out their rights before the Court below.

5. I carefully considered the rival contentions and perused the materials on record.

6. It is not in dispute that the occurrence took place on 19.06.2015. The fourth petitioner herein is said to have been seriously injured in the said occurrence. In fact he had suffered head injuries and a copy of the medical report has also been enclosed in the typed set of papers. Based on his complaint, Crime No.152 of 2015 was registered on the file of Thiruvadanai police station against eight persons. The respondent deleted accused No.3 in the said First Information Report. Not satisfied with the registration of the said First Information Report, the fourth petitioner herein filed Crl.O.P. (MD) No.12510 of 2015 and by order of this Court, the offence under Section 307 of I.P.C. was also



7. It is relevant to note here that while the First Information Report was registered on 20.06.2015, this Court passed an order dated 06.07.2015 in Crl.O.P.(MD)No.12510 of 2015. The impugned private complaint was filed on 10.07.2015. The specific allegation of the petitioners' counsel is that the impugned private complaint was instituted as a counterblast to the action taken by the fourth petitioner herein.

8. I went through the impugned private complaint. It is not as if the respondent was injured. He had not moved the police immediately. In fact no First Information Report was filed on the strength of his complaint. Only on 02.07.2015 a complaint was sent to the Superintendent of Police and the Inspector of Police by registered post.

9. I have no hesitation to come to the conclusion that the impugned private complaint is attended by *mala fides* and it has been lodged to wreck vengeance on the petitioners herein for having lodged Crime No.152 of 2015.

10. The Hon'ble Supreme Court in the decision reported in 1992 Supp (1) SCC 335 (State of Haryana vs. Bhajan Lal) has held that if the Court comes to the conclusion that the private complaint is attended by *mala fides*, it is a ground for quashing the same. I further note that the respondent implicated all the members of the family including women folk/petitioners 6 and 8. Therefore, the impugned private complaint stands quashed. The criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate,
Thiruvadanai.

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-8751[F] dated 27/02/2020)

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KB(10.06.2020) 2P 4C