

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.10079 of 2016
and
Crl.M.P.No.5357 of 2016

Maha Ghandhi,
S/o. S.V.Ghandhi

... Petitioner/Accused

Vs.

1. Mrs.Jayanthi,
W/o. Dhivyanathan

...1st Respondent/
de facto complainant

2. State rep by Inspector of Police,
J-4, Kotturpuram Police Station,
Kotturpuram,
Chennai.
(Crime No.580/2016)

...2nd Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records and quash the FIR registered in Crime No.580 of 2016 on the file of 2nd respondent police registered against the petitioners.

For Petitioner : Mr.L.Infant Dinesh

For R1 : No appearance

For R2 : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

This Criminal Original Petition has been filed seeking to call for the entire records and quash the FIR, registered in Crime No.580 of 2016 on the file of 2nd respondent police registered against the petitioner.

2. The Brief facts of the case is that on the complaint given by one Jayanthi/1st respondent against the petitioner, 2nd respondent has registered a case in Crime No.580 of 2016 for the offence under Sections 341, 294(b), 324 and 506(i) IPC. The allegation in the complaint is that the husband of the

defacto complainant was working as a driver under the petitioner and that on 20.03.2016 at about 10.00 p.m., the petitioner/accused who is the employer of her husband, had abused him in filthy language and assaulted her husband with the foot wear on his nose and stomach and thereby, he sustained injuries. Further, the petitioner/accused had threatened to murder him. Thereafter, the de facto complainant had admitted her husband at VHS Hospital for treatment. Hence the complaint.

3. The learned Counsel appearing for the petitioner would submit that the husband of the de facto complainant was working as a driver under the petitioner and there was a dispute between them with regard to employer and employee and thereby, a false, ambiguous and fabricated compliant which is beyond imagination, has been preferred by the de facto complainant against the petitioner. He would submit that the alleged occurrence is stated to have happened at the night hours on 20.03.2016. Whereas, the victim has gone to the hospital on the next day at 21.03.2016 at 1.30 p.m., and he was treated as out patient. Even in the out patient case sheet, it is stated that the alleged harassment of Domestic Violence had happened under the influence of Alchohol, at the night hours on 20.03.2016 and that the victim had gone to the casualty with the complaint of assault by his relatives on the previous day night. So it is categorically clear that the victim was assaulted by his relatives. Whereas, a false complaint has been given against the petitioner who is his employer to wreck vengeance. Further, no averments has been made for the offence under Section 506(i) IPC. Hence he prayed to quash the same.

4. The learned Additional Public Prosecutor would submit that the documents relied on by the petitioner is not of impeccable character and without any proper investigation with regard to its genuineness, the copies of the documents which have been annexed in the typed set cannot be relied on at

this stage. He would further submit that the investigation is still pending and this petition is in a premature stage. Hence, he prayed for dismissal of this petition.

5. Heard Mr. Infant Dinesh, learned counsel appearing for the petitioner and Mr. C. Iyyappa Raj, learned Additional Public Prosecutor appearing for the 2nd respondent.

6. It is seen from the First Information Report that there are specific allegation as against the petitioner, which has to be necessarily investigated. Further the FIR is not an encyclopedia and it need not contain all facts and without any investigation being done with regard to the documents particularly the medical records stated to have been issued by

the VHS Hospital, the FIR cannot be quashed at the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No.580 of 2016. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. However, the respondent police is directed to conduct the investigation with regard to the medical records of the victim and file the final report before the concerned Court, within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
J-4, Kotturpuram Police Station,
Kotturpuram,
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Chennai.

सत्यमेव जयते

Cr1.O.P.No.10079 of 2016

NMI (CO)
CB(18/02/2021)

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