

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.2121 of 2018
and
Crl.MP.No.797 of 2018

1.Selvam
2.Santhimathi

...Petitioners/
Accused 1 & 2

.Vs.

1.The State rep.by
Inspector of Police,
Tharamangalam Police Station,
Salem District.

... 1st Respondent/
Complainant

2.A.Balu

...2nd Respondent/
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Crime No.451 of 2017, on the file of the Tharamangalam Police Station, Salem District and quash the same by allowing this criminal original petition.

For Petitioners : Mr.M.Guruprasad

For Respondent : Mr.C.Raghavan
Government Advocate For R1
Mr.C.Prabakaran, For R2

O R D E R

This petition has been filed to quash the FIR in Crime No.451/2017, pending investigation on the file of the 1st respondent Police.

2.The 1st petitioner and the 2nd respondent are brothers. The 2nd respondent has given complaint against the

petitioners stating that the petitioners had abused the 2nd respondent and intimidated him and had attacked him and caused minor injuries. The FIR was registered under Section 294(b), 323 and 506(i) IPC.

3. Heard Mr.M.Guruprasad, learned counsel for petitioners and Mr.C.Raghavan, learned Government Advocate for 1st respondent and Mr.C.Prabakaran, learned counsel appearing on behalf of the 2nd respondent.

4. It is seen from records that the 1st petitioner is the elder brother of the de facto complainant and the 2nd petitioner is the wife of the 1st petitioner. There is a property dispute between the parties. There are earlier complaints that have been lodged and on enquiry it has been closed. In the present case, the incident is said to have been taken place on 18.09.2017 and the complaint itself was given only on 22.09.2017. The parties are residing in the same house. The father of the 1st petitioner and the 2nd respondent is residing in the ground floor and the 2nd respondent is residing in the 1st floor. The allegation is that based on the complaint made by the father, the 1st petitioner has proceeded to abuse and attacked the 2nd respondent.

5. In the considered view of this Court, the small bickerings that has taken place within the family is attempted to be given a criminal colour and no purpose will be served by spending time, investigating a case of this nature. It will in fact separate and demand the family for ever and this Court is inclined to interfere with the FIR registered by the 1st respondent. The allegations made in the complaint are inherently improbable and there is no sufficient ground to proceed against the petitioners.

6. In the result, the FIR in Crime No.451/2017, on the file of the 1st respondent is hereby quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KP

To

1. Inspector of Police,
Tharamangalam Police Station,
Salem District.

2.Additional Public Prosecutor,
High Court, Madras.

+1cc to Mr.M. GURUPRASAD, Advocate, S.R.No.3311

UM(CO)
SM/15/02/2021

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