

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6628 of 2021 and
Crl.M.P.No.4419 of 2021

M.Vinoth @ Vishal Petitioner/Accused No.1

Versus

1. The State Rep. by its,
Inspector of Police,
H2, Guduvanchery Police Station,
Guduvanchery,
Kancheepuram District,
(Crime No.3797 of 2020) 1st Respondent/Complainant
2. Sarasvathy 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 Crime No.3797 of 2020 on the file of 1st respondent and quash the same in respect of the petitioner.

For Petitioner : Mr.R.Ragavendran

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.3797 of 2020, on file of the 1st respondent Police.

2.The learned counsel for the petitioner submitted that the petitioner and the 2nd respondent/defacto complainant are residing in the same locality. The 2nd respondent is having

around 30 cattles and causing nuisance to the area. Further, the 2nd respondent did not maintain her cattle properly and it is causing health hazard. Taking offense of the same, the petitioner, in the year 2017, sent a representation to the Chief Minister Cell. On coming to know about the same, the 2nd respondent constantly threatening the petitioner and his family members. The petitioner was assaulted by the 2nd respondent and he had taken treatment at Government Hospital, Chengalpet. Thereafter, the petitioner lodged a complaint to the Superintendent of Police, Chengalpet. On 19.09.2020, at about 10.00 a.m., the petitioner was called for enquiry by the Deputy Superintendent of Police, Chengalpet to whom a detailed explanation against the 2nd respondent was given. Sensing the same, the 2nd respondent lodged the above false complaint against the petitioner on 20.09.2020, which has been registered in Crime No.3797 of 2020. The learned counsel for the petitioner further submitted that earlier the petitioner's complaint was registered and investigation was conducted.

3.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the 1st respondent Police is not aware about the complaint of the petitioner.

4.On perusal of the materials available, it is seen that the petitioner had earlier lodged the complaint against the 2nd respondent, in which enquiry was conducted. Hence, this Court finds that it is a case in counter. Further, the contentions put forward by the learned counsel appearing on behalf of the petitioner are purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter.

5.In view of the above, the 1st respondent Police is directed to register the case on the complaint of the petitioner and conduct investigation in both the cases and file the final report or closure report, as the case may be. The petitioner as an abundance of caution is to file a copy of the complaint to the 1st respondent Police to avoid further delay.

6.With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

VV2

To

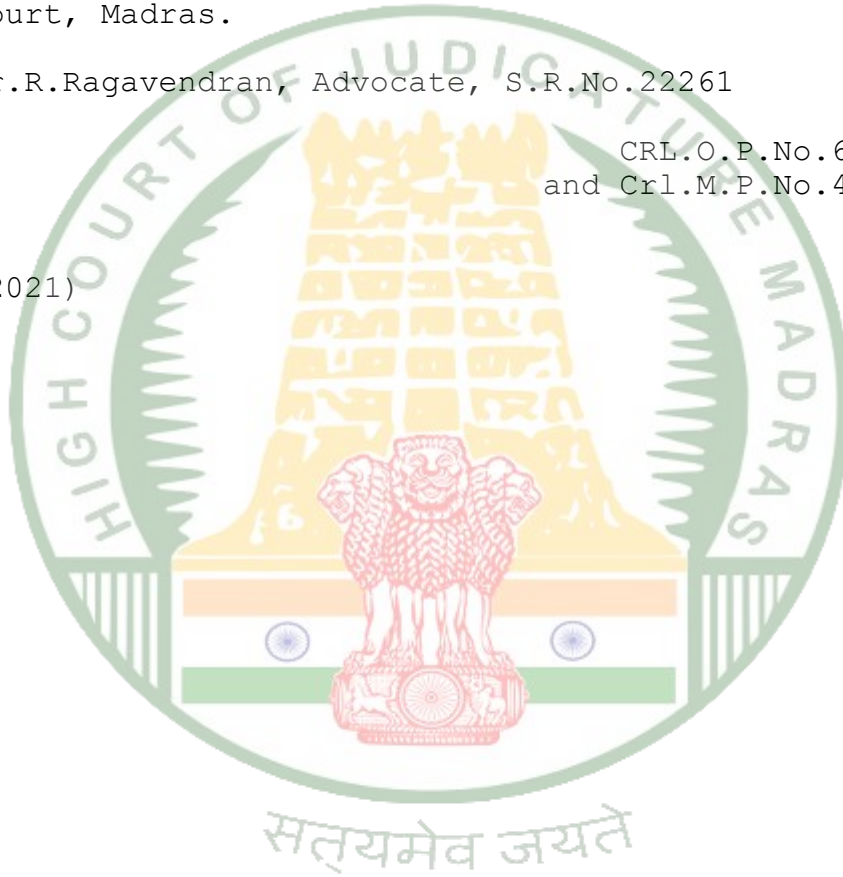
1. The Inspector of Police,
H2, Guduvanchery Police Station,
Guduvanchery,
Kancheepuram District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Ragavendran, Advocate, S.R.No.22261

CRL.O.P.No.6628 of 2021
and Crl.M.P.No.4419 of 2021

PL(CO)
TE(30/04/2021)



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