



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17069 OF 2021

AND

CRL.M.P.NO.9336 OF 2021

1.Praveen Kumar
2.Sudhi
3.Sudha

... Petitioners

.Vs.

1. State represented by
The Inspector of Police,
Kavandapadi Police Station,
Erode District.
(Crime No.69 of 2021)

2. Sakariya

... Respondents

PRAYER:

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.69 of 2021 on the file of the first respondent and quash the First Information Report.

For Petitioner : Mr.C.Arul Murugan

For R1 : Mr.A.Damodaran
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition is filed to call for the records in Crime No.69 of 2021 on the file of the first respondent and quash the First Information Report.

2.The petitioners herein are the accused in Crime No.69 of 2021 for the offence under Sections 341, 394(b), 323 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, have filed this quash petition.



3.The contention of the petitioners is that the petitioners had earlier lodged a complaint in Crime No.68 of 2021, for the offence under Sections 447, 427, 294(b), 324 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 before the first respondent police, but no action has been taken. The accused herein assaulted the defacto complainant using the deadly weapons for putting up of a wall in their property. The petitioners apprehend that the respondent police are acting in a partial manner in investigating the Crime No.68 of 2021.

4.The learned Additional Public Prosecutor submits that a case has been lodged in Crime No.69 of 2021, wherein the petitioners are the accused and in Crime No.68 of 2021, wherein the second respondent and others are accused. It is in the nature of case and counter case. The respondent police shall conduct the investigation by following the Police Standing Order 566 (2), wherein charge sheets in cases and counter cases - In a complaint and counter complaint obviously arising out of the same transaction the Investigating Officer should enquire into both of them and adopt one or the other of the two courses, viz., (1) to charge the case where the accused were the aggressors or (2) to refer both the cases if he should find them untrue. He should place before the court a definite case which he asks it to accept. The Investigating Officer in such cases should not accept into one complaint and examine only witnesses who support it and gave no explanation at all for the injuries caused to the other side. It is his duty to exhibit the counter-complaint in the Court, and also to prove medical certificates of persons wounded on the opposite side. The truth in these cases is invariably not in strict conformity with either complaint and it is quite necessary that all the facts are placed before the court to enable it to arrive at the truth and a just decision.

5.In view of the apprehension of the petitioners, this Court directs the Deputy Superintendent of Police, Erode to monitor the case and approve the same before filing of the final report.

6.With the above observation, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Superintendent of Police,
Erode.

2. The Inspector of Police,
Kavandapadi Police Station,
Erode District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Arul Murugan, Advocate, S.R.No.50972

CrI.O.P.No.17069 of 2021
CrI.M.P.No.9336 of 2021

RR(CO)
CS/20/10/2021