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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.Nos.26106, 27094 & 27098 of 2018
and
Crl.MP.Nos.14985,15640,15646 of 2018

Crl.O.P.No.26106 of 2018:

Magitha Anna Christy ...Petitioner/Accused
Vs.

Sasikala Loganathan ...Respondent/Complainant

Crl.O.P.No.27094 of 2018:

Danasekar ... Petitioner/Accused
Vs.

Sasikala Loganathan ...Respondent/Complainant

Crl.O.P.No.27098 of 2018:

K.Saravanan ... Petitioner/Accused
Vs.

Sasikala Loganathan ...Respondent/Complainant

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records relating to C.C. Nos.174 of 2018 from the file of the Chief Judicial Magistrate, Chengalpattu and quash the same.

For Petitioners : Mr.R.Saranya (in all petitions)

For Respondent : Mr.J.Arockiaraj (in all petitions)

COMMON ORDER

Since the incident involved in these cases are one and the same and issue involved is also similar in nature, these Criminal Original Petitions are taken up together for disposal by way of this common order.



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2. The petitioners filed these criminal original petitions seeking to quash the records relating to C.C.No.174 of 2018 pending on the file of the learned Chief Judicial Magistrate, Chengalpattu.

3. The defacto complainant has preferred a private complaint against the petitioners, who are the police officials in the rank of Inspector of Police and Sub Inspector of Police attached to Guduvancheri Police Station on the allegations that they have failed to take appropriate action in a complaint lodged by the defacto complainant against one of her neighbours in an apartment complex.

4. The case of the prosecution is that the defacto complainant is a resident of an apartment complex and there was a dispute between her and one of her neighbours. The defacto complainant given a police complaint before the petitioners. The said complaint was duly registered by the petitioners. However, the defacto complainant was unhappy for the reasons, certain crimes were not included in the FIR in question.

5. It is the further case of the prosecution that when the defacto complainant went to the police station and enquired about the missing criminal sections in the FIR, she was being abused by the petitioners using filthy languages. The defacto complainant, therefore, preferred a private complaint before the Learned Chief Judicial Magistrate, Chengalpattu and the same was registered in C.C. No. 174 of 2018 for the offences under Section 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Seeking to quash the said proceedings pending against them, the petitioners have preferred these original petitions invoking an extraordinary jurisdiction of this Court under Section 482 of Cr.P.C.

6. Heard the learned counsel for both sides and perused the materials available on record.

7. The Criminal Original Petitions have to be allowed, in view of the fact that the police officers have discharged their duty by registering a complaint given to them. However, the defacto complainant was not satisfied with the sections included in the FIR. Though the defacto complainant wanted the petitioners to include sections as demanded by her but of no avail, the private complaint was lodged against them.

8. It is pertinent to note that the defacto complainant is an Advocate by profession. It is seen from the case of the defacto complainant that the police have not acted upon the complaint given by the defacto complainant. Immediately, on



receipt of the complaint, the petitioners visited the spot and conducted an enquiry and based on such enquiry, an FIR was registered. However, the defacto complainant was not satisfied with the sections mentioned in the FIR. It is made clear that the defacto complainant cannot dictate the terms to the petitioners. If at all, the defacto complainant was not satisfied with the manner in which the FIR was registered, she should approach the competent authority seeking to include the sections. Instead the defacto complainant chose to prefer a private complaint against the petitioners. If such complaints are entertained, there will be no end to it and no police officer can perform their duty peacefully. The defacto complainant could have very well filed an appropriate petition before the appropriate forum seeking to include the sections as she feels that have been deliberately missed by the petitioners. The present proceedings cannot be allowed to go on.

9. For the foregoing reasons, the proceedings in C.C.No.174 of 2018 pending on the file of the learned Chief Judicial Magistrate, Chengalpattu are quashed and accordingly, these Criminal Original petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Judicial Magistrate,
Chengalpattu.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.Nos.26106, 27094
& 27098 of 2018
and Crl.MP.Nos.14985,15640,
15646 of 2018

GSM(CO)
SU(06/12/2021)