



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2021

CORAM :

WEB COPY

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

Crl.O.P. (MD)No.3538 of 2021

and

Crl.M.P (MD) No.1962 of 2021

1.Lalithakumari
2.Sivasankari
3.Sakthivel

... Petitioners/Accused 4, 5 & 6

Vs.

1.The State rep. by
The Inspector of Police
All Women Police Station,
Thallakulam,
Madurai District.
(Crime No.64 of 2020)

2.Thilagha Prithvi Muthu

... Respondents/Complainants

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.64 of 2020 on the file of the first respondent police and quash the same.

For Petitioners : Mr.S.Muniyandi

For 1st Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

The present petition is filed by the petitioners, seeking for a direction to quash the First Information Report in Crime No.64 of 2020 of All Women Police Station, Thallakulam, Madurai District.

2.Mr.S.Muniyandi, learned counsel for the petitioners submitted that though there is no specific allegations as against the present petitioners, the petitioners have been shown as accused in Crime No.64 of 2020.



3.Mr.S.Chandrasekar, learned Additional Public Prosecutor, accepts notice for the first respondent.

4.A perusal of the First Information Report shows that there are certain allegations against the present petitioners and the investigation is at initial stage

5. In the decision reported in **2020 SCC online SC 958 in Skoda Auto Volkswagen India Private Limited vs. State of Uttar Pradesh and others**, it has been held thus :

"It is needless to point out that ever since the decision of the Privy Council in King Emperor vs. Khwaja Nazir Ahmed, the law is well settled that Courts would not thwart any investigation. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on. As cautioned by this Court in State of Haryana vs. Bhajan Lal, the power of quashing should be exercised very sparingly and with circumspection and that too in the rarest of rare cases. While examining a complaint, the quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or in the complaint. In S.M. Datta vs. State of Gujarat, this Court again cautioned that criminal proceedings ought not to be scuttled at the initial stage. Quashing of a complaint should rather be an exception and a rarity than an ordinary rule. In S.M. Datta (supra), this Court held that if a perusal of the first information report leads to disclosure of an offence even broadly, law courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere."

6. In the circumstances, I do not find any reason to quash the First Information Report in Crime No.64 of 2020. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(W)

/True copy/

/ /2021
Sub Assistant Registrar(CS-)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Inspector of Police
All Women Police Station,
Thallakulam,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.3538 of 2021
08.03.2021

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PK/31.03.2021 : 3P/3C