



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.03.2021**

CORAM :

THE HONOURABLE **Mrs.JUSTICE R.HEMALATHA**

Crl.O.P. (MD)No.3222 of 2021

and

Crl.M.P.(MD)No.1770 of 2021

WEB COPY

1.Machavalli

2.Kaarmegam

3.Kala

...Petitioners/Accused No 1 to 3

/Vs./

1.State Through

The Inspector of Police,
Alanganallur Police Station,
Madurai District.

Crime No.1565 of 2020 .. Respondent No.1/Complainant

2.M.Rajendran

...Respondents No.2/Defacto complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in First Information Report in Crime No.1565 of 2020 on the file of the Inspector of Police, Alanganallur Police Station, Madurai District, dated 09.08.2020 and quash the same as against the petitioners.

For Petitioners : Mr.R.Kannan

For R1 : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.1565 of 2020 of Alanganallur Police Station, Madurai District.

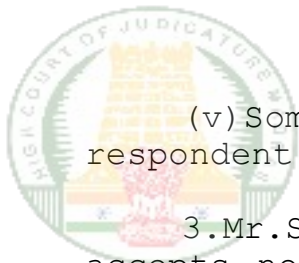
2.The main grounds on which, the petitioners seek to quash the First Information Report are as follows:-

(i)The First Information Report has been registered with a delay of four days from the date of alleged occurrence.

(ii)The petitioners and their family members were also injured in the occurrence for which, they were admitted in Madurai Government Rajaji Hospital.

(iii)The petitioners did not commit any offence much less the offences punishable under Sections 294(b), 323, 324, 355 and 506(2) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

(iv)A false complaint has been foisted against the present petitioners.



(v)Some of the police men are close relatives of the second respondent / defacto complainant.

3.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice on behalf of the first respondent, on instructions, would contend that the investigation in Crime No.1565 of 2020, is still underway and that another First Information Report in Crime No.1526 of 2020 was also registered by the very same police against the de-facto complainant and others for the alleged offences punishable under Sections 294(b), 323, 324, 355 and 506(2) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 2002 and the investigation is pending in the said case also.

4.The contention of Mr.R.Kannan, learned counsel appearing the petitioners that the entire proceedings in First Information Report in Crime No.1565 of 2020 should be quashed on the ground that some of the police men are close relatives to the second respondent and that a false case has been foisted against the petitioners cannot be accepted, since the investigation is at initial stage. It is also to be pointed out that the complaint lodged by the petitioners was also registered in Crime No.1526 of 2020 of Alanganallur Police Station, Madurai, against the de-facto complainant. It is also well settled that mere delay in lodging the First Information Report cannot be a ground to quash the First Information Report.

5.In the decision in Skoda Auto Volkswagen India Private Limited vs. State of Uttar Pradesh and others (cited supra), 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 facts and circumstances, I do not find any reason to quash the First Information Report in Crime No.1565 of 2020 of Alanganallur Police Station, Madurai District.

7.Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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,
Alanganallur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R.KANNAN, Advocate (SR-8336[F] dated 03/03/2021)

Crl.O.P. (MD)No.3222 of 2021
02.03.2021

VB (30.03.2021) 3P 4C