



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 25.06.2021

DATE ON WHICH PRONOUNCED : 06.07.2021

WEB COPY

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVA

Crl.O.P.(MD)No.8304 of 2021

and

Crl.MP(MD)No.4267 of 2021

1.Jeyin Salma

2.Kanimozhi

3.Ranibai @ Rethinabai ... Petitioners/Accused Nos.1 to 3
Vs.

1.The Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.176 of 2021) ... 1st Respondent/Complainant

2.Rose Mary ... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the proceedings of Crime No.176 of 2021 on the file of the 1st Respondent Police and quash the same as against the petitioners herein.

For Petitioners : Mr.A.Balakrishnan
For R1 : Mr.R.M.Anbu Nithi,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition is filed to quash the proceedings in Crime No.176 of 2021 on the file of the 1st Respondent Police.

2.The case of the prosecution :-

(i) The defacto complainant and the petitioners are neighbours. On the date of occurrence, namely, 16.05.2021, the



third accused obstructed the stream of the rain water, running through in front of her house. When the same was questioned by the defacto complainant, all the accused persons assembled together and assaulted her and also threatened her with dire consequences. Based upon a complaint, a case in Crime No.176 of 2021 was registered on the file of the first respondent police and the same is pending for investigation.

(ii) During the pendency of investigation, this petition came to be filed seeking quashment of the First Information Report on the ground that only defacto complainant and her family members made frequent trouble to the petitioners by leaving the waste water and the garbage in front of their house. So, because of the accumulation of the garbage, there was a health issue. So, they sent a complaint to the authorities and they also made enquiry. So, because of that, there was enmity. On 15.04.2021, one Rajkumar, who is the close aid of the defacto complainant, misbehaved with the first petitioner. In this regard, a case in Crime No.123 of 2021 was registered against him for the offence punishable under Sections 294(b), 341, 506 (I) IPC. As a counter blast, false complaint has been registered.

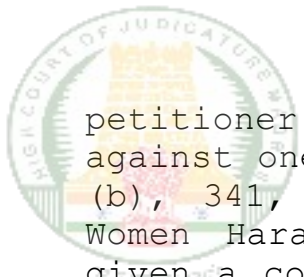
3. Heard both sides.

4. During the course of arguments, the learned counsel for the petitioner would submit that the first petitioner is working as a Clerk in Tamilnad Mercantile Bank, Thuckalay Branch, the second petitioner being M.SC & M.Phil Graduate, working in private School and the third petitioner is the age old woman. So, the offences alleged against the petitioners are not attracted.

5. Per contra, the learned Additional Public Prosecutor would submit that based upon the dispute between the defacto complainant and the petitioners with regard to the letting of waste water, trouble arose between them and both the parties made a complaint against each other. Both the complaints are now, pending for investigation.

6. From the materials placed before this Court, it is seen that the parties have admitted that there was a trouble with regard to the letting of waste water and a complaint has been given by the husband of the third petitioner to the Assistant Director, Panchyat, Nagercoil at Kanyakumari District. By order dated, 27.11.2020, the Block Development Officer, Melpuram Panchayat Union, was required to take appropriate steps for removing the nuisance.

7. As stated by the petitioners, there was a counter complaint between the parties. Based upon the complaint, given by the first



petitioner herein, a case in Crime No.123 of 2021 was registered against one Rajkumar for the offence punishable under Sections 294 (b), 341, 506 (i) IPC and Section 4 of Tamil Nadu Prohibition Women Harassment Act. On 16.05.2021, the second respondent has given a complaint against the petitioners and others stating that on 16.05.2021, at about 01.00 p.m, all the accused persons assembled together and abused her in filthy language and assaulted her.

8. Whether the petitioners actually involved in the occurrence or whether the complaint given by the first petitioner against one Rajkumar is true, cannot be a matter for consideration, at this stage. It is a matter for investigation and trial. When specific allegation has been made against the petitioners, with regard to the occurrence, without any basic materials for quashing the First Information Report, the petitioners are not entitled for the relief. So, the investigation ought to be undertaken to its logical conclusion and there is no ground for quashing the First Information Report.

9. But, however, from the facts and circumstances of the case, it appears that the dispute between the neighbours and there shall be a direction to the first respondent herein, to conclude the investigation in both the cases in Crime Nos.176 of 2021 and 123 of 2021, within three months from the date of receipt of a copy of this order.

10. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

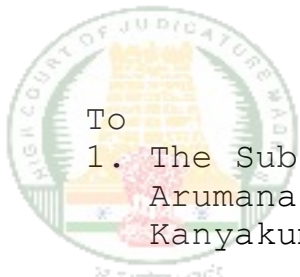
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/ /2021

Sub Assistant Registrar(CS)

dss

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 Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

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

**Crl.O.P. (MD) No. 8304 of 2021
and**

**Cr1.MP (MD) No. 4267 of 2021
06.07.2021**

LS (CO)

RD (14.07.2021) 4P 3C