



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Cr1.O.P.(MD)No.10661 of 2021 and
Cr1.MP(MD) No.5442 of 2021

WEB COPY

1.Vijayalakshmi
2.Rajaguru
3.Gopalraj
4.Prema

... Petitioners/Accused 1-4

Vs.

1.The State rep by
The Inspector of Police,
Thanthonimalai Police Station,
Karur,
Karur District.
(Crime No.667 of 2020)

...1st Respondent/Complainant

2.G.Radhakrishnan

...2nd Respondent /Defacto
Complainant

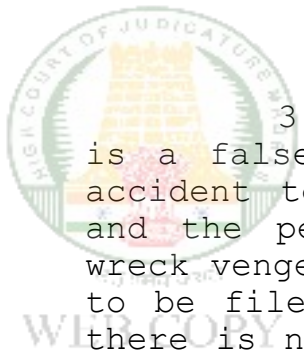
Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to Crime No.667 of 2020 on the file of the Inspector of Police, Thanthonimalai Police Station, Karur, Karur District and quash the same.

For Petitioner : Mr.B.Santhanam Rajeshkumar
For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

This petition is filed to quash the impugned First Information Report in Crime No.667 of 2020 on the file of the Inspector of Police, Thanthonimalai Police Station, Karur, Karur District.

2. The case of the petitioners is that the defacto complainant has given a complaint before the respondent police stating that there was a business transaction between the defacto complainant and the first petitioner's husband. During the course of such business, Rs.2 Crores was not settled to the defacto complainant and on demand, Rs.50,00,000/- worth property was registered in his name. Later, on 09.11.2020, when the defacto complainant went to the petitioner's home demanding the balance amount, the petitioners assaulted the defacto complainant, due to which, he sustained severe injuries and admitted in the Hospital for taking treatment.



3.The ground on which this petition is filed is that this is a false complaint and even before the date of occurrence, an accident took place, in which the first petitioner's husband died and the petitioners herein sustained injuries. Only in order to wreck vengeance to resolve the property dispute, this complaint came to be filed. According to the learned counsel for the petitioner, there is no evidence to show the nature of injuries sustained by the defacto complainant.

4.The learned Additional Public Prosecutor would submit that there is specific allegations against the petitioners in the First Information Report itself and the complaint has been registered only on the basis of the statement given by the defacto complainant, when he was admitted as inpatient in Government Medical College Hospital, Karur. So far five witnesses have been examined. Wound Certificate is yet to be received. Therefore, he strongly opposed to quash Crime No.667 of 2020.

5.Perusal of the First Information Report shows that there are specific allegations have been made against the petitioners to the effect that they assaulted the defacto complainant pushed down. It is to be noted from the submission of the learned Additional Government Pleader that so far five witnesses have been examined. More over, the Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

'9.It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.'

6.Here in the present case, the complainant had made specific allegations in the complaint filed against the petitioners and therefore, the grounds raised in this petition can be gone into only in a full-fledged investigation and trial. Considering the facts and circumstances of the case, this Court is not inclined to quash the First Information Report in Crime No.667 of 2020 on the file of the Thanthonimalai Police Station, Karur, Karur District.



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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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,
Thanthonimalai Police Station,
Karur,
Karur District.
(Crime No.667 of 2020)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.10661 of 2021 and

Crl.MP(MD) No.5442 of 2021

05.08.2021

RK (13.08.2021) 3P 3C