



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.09.2021**

CORAM

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P(MD)No.14359 of 2021

and

Crl.M.P.(MD)No.7538 of 2021

- 1.Kingsly
- 2.Lawrance
- 3.Titus

... Petitioners/Accused A1 to A3

Vs.

- 1.State Represented by
The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.

... Respondent/Complainant

- 2.Mrs.Johny

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the First Information Report pertaining to the case in Crime No.176 of 2021 on the file of the first respondent and quash the same.

For Petitioners : Mr.S.Ramasamy
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)

ORDER

This Petition has been filed seeking quashment of FIR in Crime No.176 of 2021 on the file of the first respondent, which was registered under Sections 294(b), 506(ii) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2.The sole ground on which the petition has been filed is that on the alleged date of occurrence, the petitioners and others were severely attacked. In respect of which, a case in Crime No.181 of 2021 has been registered against the second respondent's husband and others under sections 147, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. As a counter-blast only, this false complaint has been given.

3.Reiterating the aforesaid, the learned counsel appearing for the petitioners submitted that the averments made in the FIR do not attract any of the ingredients of the offence under Sections 294(b) and 506(ii) of IPC and Section 4 of of Tamil Nadu Prohibition of Harassment of Women Act, 2002.



4.The learned Government Advocate(crl.side) would submit that so far, four persons were examined in this matter and the investigation is under progress.

5.It is seen that it is a case and case in counter and therefore, whether it is a false complaint or not can be a matter for consideration only during the investigation and trial and then only, the truth will come out. At this stage, it is too a pre-mature stage to quash the FIR. Once the investigation process is over, if the petitioners are aggrieved, they can work out their remedy in accordance with law.

6.With the above liberty, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.D I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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

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NSN(CO)/RS (18.10.2021) 2P 3C