



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No. 17358 of 2021
and
Crl.M.P.(MD)No.9441 of 2021

T.S.Emmanuel

... Petitioner/ 2nd Accused

Vs.

1.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.439 of 2021)

... 1st Respondent/ Complainant

2.Vijayakumari

... 2nd Respondent/
Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records in Crime No.439 of 2021 on the file of the first respondent police Kaliyakkavilai Police Station, Kanyakumari District and quash the same with regard to the petitioner.

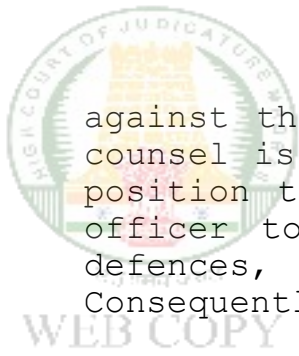
For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.439 of 2021 registered on the file of the first respondent for the offences under Sections 341, 294(b), 323, 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

2. The learned Counsel appearing for the petitioner submitted that A1 in this case is the petitioner's driver and there was running feud between the A1 and the defacto complainant. The petitioner is figuring as witness in the complaint given by A1 against the defacto complainant. In order to prevent the petitioner from supporting his driver-A1, this case has been falsely booked



against the petitioner. Though this contention of the petitioner's counsel is persuasive, under Section 482 Cr.P.C I will not be in a position to conduct a factual probe. It is for the investigation officer to find out the truth. Leaving open to the petitioner's defences, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-37705[F] dated 08/12/2021)

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RD(21.12.2021) 2P 4C