



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 22.02.2021

DATE ON WHICH PRONOUNCED : 19.03.2021

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CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.10596 of 2017

and

Crl MP(MD)No.7253 of 2017

1.N.Jegatheesan

2.N.Rajendran

3.S.Nagarathinam

... Petitioners/Accused Nos. 1 to 3

Vs.

1.The Inspector of Police,
Avaniapuram Police Station,
Madurai City.

Crime No.1384/2017)

... 1st Respondent/Complainant

2.Mr.Dhayanithi

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the complaint made in Cr.No.1384 of 2017 on the file of the first respondent police and to quash the same.

For Petitioners : Mr.Babu Rajendran

For R1 : Mr.M.Ganesan,
Government Advocate (Crl.Side)

For R2 : No Appearance

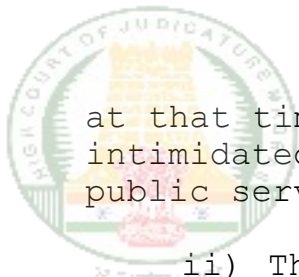
ORDER

This Criminal Original Petition has been filed to quash the complaint in Cr.No.1384 of 2017 on the file of the first respondent police.

2. Brief facts:-

The second respondent herein, was working as Assistant Inspector of Labour (Unit 5), Madurai, during the relevant time. He lodged a complaint before the first respondent police with following allegations:-

i) On 03.07.2017, at about 01.30 p.m, he visited and inspected the 'Yes Yen Aroma Private Limited', situated in No.35/7, Aruppukkottai Main Road, Jasmine Complex, Villapuram, Madurai, and



at that time, the petitioners 2 and 3 abused him and also criminally intimidated and restrained him from discharging his official duty as public servant.

ii) The complaint was registered in Cr.No.1384 of 2017, on the file of the first respondent police, wherein, these petitioners are arrayed as accused persons.

3. Seeking quashment of the First Information Report, this petition is filed mainly on the ground that there is a delay of 23 days in lodging the complaint. The establishment, where the second respondent alleged to have inspected, was closed prior to the year 2012 itself. The second respondent has lodged a complaint in STC.No.16 of 2017 against one Karthikeyan, who is the brother of the petitioners 1 and 2 under the Legal Metrology Act, before the Additional Chief Judicial Magistrate, Madurai and the same is contested by above said Karthikeyan.

4. The case filed by the second respondent was posted on 03.07.2017, and on that date, the second respondent threatened the said Karthikeyan to admit the offence, for which, he refused. So, on the same day, at about 01.30 p.m, the second respondent had trespassed into the house of the second petitioner and obtained signature from the staff members and also directed the second petitioner to contact him. But, he refused. So, the second petitioner, lodged a complaint on 03.07.2017 before the Inspector of Police, Avaniyapuram Police Station, Madurai, against the second respondent and CSR No.484 of 2017 was issued. Even after that, no action was taken by the police. So, on 05.07.2017, he sent a complaint to the Commissioner of Police. Even after that, there was no action. So, WP(MD)No.14323 of 2017 was filed by the second petitioner. So, only in order to escape from the criminal complaint given by the second petitioner, the present complaint has been filed after a long delay. So before registering the complaint, no preliminary enquiry was conducted. So, the complaint filed by the second respondent before the first respondent police is liable to be quashed.

5. According to the learned counsel for the petitioners, a false case in STC.No.16 of 2017 was foisted against one Karthikeyan, by the second respondent is pending. To quash that petition, Crl.OP. (MD)No.10325 of 2017 has been filed. It is the further contention that the second respondent obtained signature of the staff members of the second petitioner in blank papers in respect of which, he has filed a complaint, which was taken seriously by the police and no case was registered and after a long gap of 23 days, the present complaint has been filed only to escape from the criminal case filed by the second petitioner.



6. But, a reading of the complaint shows that some sort of trouble arose, when the second respondent inspected the factory belongs to the second petitioner, which he was discharging his official duty as per law.

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7. It is also further seen that he was prevented from discharging his official duty, criminally intimidated and abused in filthy language. The threat made by the petitioners was audio recorded. The audio record was also handed over along with the complaint. It is further stated that STC.No.16 of 2017 filed by the second respondent was a root case of the occurrence.

8. The reading of the complaint shows that serious allegations have been levelled against these petitioner, **whether these allegations are true or not?** can be found only at the time of investigation. How far the delay in lodging the complaint will affect the bonafideness of the second respondent cannot be decided at the initial stage. But, only at the time of investigation and trial. So, only during trial and investigation, the truth will come out. In the facts and circumstances, curtailing the investigation at the initial stage, will not be proper and no strong ground has also been made out by the petitioners to quash the complaint.

9. I am of the considered view that this is not a fit case to exercise jurisdiction under Section 482 Cr.P.C, to quash the First Information Report. So, none of the grounds, as advanced by the petitioner, are worth considering. So, the petition is liable to be dismissed.

10. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

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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 The Inspector of Police,
Avaniapuram Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Crl.O.P. (MD) No.10596 of 2017
and
Crl MP (MD) No.7253 of 2017
19.3.2021**

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TR(17.04.2021) 4P 3C