



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.09.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD) .No.13197 of 2017
and
Crl.M.P. (MD) .No.6375 of 2021

R.Venkateshwar ... Petitioner/Accused No.1

-vs-

1.The Sub Inspector of Police,
Peravoorani Police Station,
Thanjavur District. ... 1st Respondent/Complainant

2.K.Janaki ... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., seeking to quash the F.I.R. in Crime No.233 of 2017, on the file of Sub Inspector of Police, Peravoorani Police Station, Thanjavur.

For Petitioner: Mr.M.Ajmal Khan, Sr. Counsel
for Mr.R.M.Arun Swaminathan

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

O R D E R

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.233 of 2017, on the file of the Sub Inspector of Police, Peravoorani Police Station, Thanjavur.

2. Originally the F.I.R. has been registered for the offences under Sections 294(b), 427 and 506(ii) of I.P.C., on the basis of the complaint given by the second respondent. Subsequently, the F.I.R. was altered into 147, 148, 294(b), 506(ii) of I.P.C. and Section 3 of T.N.P.P.D.L. Act.

3. The learned counsel appearing for the petitioner would submit that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. He would further submit that a CCTV Footage has been called for, and the petitioner herein has no involvement as stated by the complainant.



Therefore, he prayed for quashing of the F.I.R., against the petitioner/A1.

4. This Court already directed the respondent police to file a status report, regarding the CCTV Footage. Subsequently, the first respondent has filed a status report, wherein they had specifically stated that with a view to stop the marriage of the elder son of the de-facto complainant, the accused persons along with others came to the house of the de-facto complainant and damaged the things. Hence, the F.I.R. has been altered and no injury has been caused to anybody. The learned Additional Public Prosecutor appearing for the State would submit that the accused person and the complainant are close relatives and due to some difference of opinion, the complaint has been lodged.

5. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the State and perused the materials available on record.

6. Admittedly, the accused and the complainant are close relatives and the petitioner herein has already filed a writ petition seeking for removal of flex board. The husband of the de-facto complainant is running the flex board shop. Due to filing of the writ petition, there is an enmity between the parties and therefore, she has filed the private complaint. From the perusal of the Status Report filed by the respondent police, it could be seen that on verification of the C.D. copy produced by the de-facto complainant along with the copy of the complaint, the time was shown as 19.27 hrs. From the CCTV Footage, it could be seen that the vehicle of the petitioner/A1 crossed the house of the de-facto complainant and thereafter, it came back on reverse in order to give a way to a Tractor, which came on the opposite direction on the same road. After giving a way to the Tractor, the vehicle of the petitioner/A1 was stopped in front of the house of the de-facto complainant. At that time, the de-facto complainant and her son were standing near the road along with her relatives and they appears to have shouted the accused, who were in the car. Hence, the accused stopped the vehicle in front of the house of the de-facto complainant. Though A3 came out of the vehicle and attempted to crash the CCTV Camera, as far as the petitioner/A1 is concerned, there is no overt by the petitioner/A1 as stated in the complaint. Since the petitioner/A1 was present in the scene of occurrence, it will not be proper for this Court to quash the F.I.R. at this stage. Hence, the respondent police is directed to complete the investigation in Crime No.233 of 2017 and file a final report, within a period of one month from the date of receipt of a copy of this order and if the Investigating Officer finds that there is no overt act as against the petitioner/A1, they shall delete the name of the petitioner/A1 in the final report.



7. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

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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,
Peravoorani Police Station,
Thanjavur District.

Copy to:

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

Cr1.O.P. (MD) .No.13197 of 2017

17.09.2021

MGJ/PM(15.11.2021) 3P 3C