



Crl.O.P No.1748 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.1748 of 2021
and Crl.M.P. Nos.1013 & 1014 of 2021

1. T.Gowri
2. T.Babu @ Prakash
3. T.Priya

... Petitioners

Vs.

1. The State represented by
The Inspector of Police,
H-2, Guduvancheri Police Station,
Kancheepuram.
Cr. No.3962 of 2020

2. K.Gowri

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the FIR in Crime No.3962 of 2020 under Sections 294(b), 323, 427 & 506(i) IPC dated 05.11.2020 pending investigation before the respondent police based on the complaint dated 05.11.2020.

For Petitioner	: No appearance
For Respondent-1	: Mr.A.Damodaran Additional Public Prosecutor
2	: No appearance



ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.3962 of 2020 filed under Section 294(b), 323, 427 & 506(i) IPC dated 05.11.2020 pending investigation before the respondent police based on the complaint dated 05.11.2020.

2. No representation for the petitioner despite the matter is posted under the caption “For dismissal”.

3. The case of the prosecution is that on 05.11.2020 at about 12.30 p.m, the accused came with henchmen and damaged the house of the second respondent / *de facto* complainant and removed them from the house. They also abused the *de facto* complainant and her family members in filthy language and assaulted her husband. Hence, the *de facto* complainant had lodged a complaint and a case has been registered in Cr. No.3962 of 2020 under Section 294 (B), 323, 427 and 506(1) IPC. In the complaint given by the second respondent she has stated about the obscene words used by the accused to abuse her in the public.



4. Though the petitioners have stated in the grounds of the petition that there are no *prima facie* materials available for registering a case and that the averments of the complaint are all false, such merits of the matter cannot be gone at the threshold stage itself by conducting a roving enquiry. The contents of the complaint would show that there are *prima facie* materials available to register a case against the petitioners. Hence, the investigation should be allowed to go. If at all the petitioners have got any valid points, the same can be raised by them as their defense during trial.

5. In view of the above the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

21.09.2022

Index : Yes/No
Speaking Order : Yes / No
bkn

To

1. The Inspector of Police,
H-2, Guduvancheri Police Station,
Kancheepuram.

2. The Public Prosecutor
Madras High Court.



WEB COPY



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R.N.MANJULA, J.,

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