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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.4354 of 2019

1. Dhevanai
2. Rani
3. Paneer

... Petitioners

Vs.

1. State Rep by Inspector of Police,
Vettavalam Police Station,
Tiruvannamalai District.

2. Sambath

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the FIR registered in Crime No.127 of 2017 against the petitioners pending on the file of the respondent police.

For Petitioners : Mr.R.Sreedhar

For Respondents : Mr.A.Gokulakrishnan for R1
Additional Public Prosecutor

: No appearance for R2

O R D E R

This Criminal Original Petition has been filed seeking to call for the records and quash the FIR registered in Crime No.127 of 2017 against the petitioners pending on the file of the first respondent police.

2. The learned counsel for the petitioners submitted that as per the complaint was given by the second respondent contending that on 20.03.2017, the petitioners have assaulted the second respondent and insulted him and abused him with filthy language, they were charged offence under Sections 294 (b), 355, 324 and 506(ii) of IPC in Crime No.127 of 2017.



3. In fact, the second respondent attempted to encroach near about of 10 cents of land is the Natham Poramboke land which is belongs to the Government. When, they questioned him, there was a wordy quarrel between them, the second respondent had assaulted the third petitioner and immediately, he was taken to the Government Hospital Tiruvannamalai. Then, the Hospital Authority had informed to the respondent police on 20.03.2017 and enquired him on the same day. But after 3 days, the FIR was registered against the petitioners based upon the complaint given by the second respondent. Thereafter, the petitioners complaint was taken on file and the case was registered against the defacto complainant in Crime No.128 of 2018 for the offence under Sections 294(b), 324, 427 and 506 of IPC.

4. The learned counsel for the petitioners submitted that the first respondent police has foisted a false case against the petitioners based upon the complaint was given by the second respondent. On the other hand, the first respondent police had not registered a case immediately on 20.03.2017 against the defacto complainant. Hence, the respondent police registered a case against the petitioners in Crime No.127 of 2017 is not genuine and liable to be quashed.

5. The fact reveals that based upon the complaint given by the petitioners in Crime No.128 of 2018, FIR was registered against the second respondent. Hence, there was a case in counter. Furthermore, the grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Investigating Officer and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the 1st respondent Police.

6.It is now represented by the learned counsel appearing for the petitioners that the first petitioner is a law graduate because of the pending of this petition, she unable to proceed further.

7.In view of the above, this Court directs the 1st respondent Police, to expedite the investigation in Crime No.127 of 2017 and complete the same, within a period of six weeks from the date of receipt of a copy of this order.



8. With the above directions, this Criminal Original Petition is disposed of.

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Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Inspector of Police,
Vettavalam Police Station,
Tiruvannamalai District.
2. The Public Prosecutor,
Madras High Court.

+1cc to Mr.R.Sreedhar, Advocate, S.R.No.35714

Crl.O.P.No.4354 of 2019

MT (CO)
UMA (23/06/2022)