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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.5929 OF 2019

1.S.Kumaravel

2.K.Jayabharathi

..Petitioners

Vs.

1. The Superintendent of Police,  
The Office of Superintendent of Police,  
Thiruvalur District.

2. The Inspector of Police,  
C5-Vengal Police Station,  
Thiruvalur.

3. Krishnamoorthy

..Respondents

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in relation to FIR No.84 of 2018 registered at C5-Vengal Police Station, the 2<sup>nd</sup> respondent herein under Sections 294(b), 323 and 506(i) of IPC and quash the proceedings in Crime No.84 of 2018.

For Petitioners : Mr.P.Arunkumar

For R1 and R2 : Mr.N.S.Suganthan,  
Government Advocate (Crl. Side)

For R3 : NA

O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (crl.side) for the respondents 1 and 2.



2. The petition is filed under Section 482 of Cr.P.C., to quash the First Information Report registered by the 2<sup>nd</sup> respondent police based on the complaint given by the 3<sup>rd</sup> respondent.

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3. The FIR indicates that on 28.02.2018, the petitioners alleged to have assaulted the 3<sup>rd</sup> respondent, when he claimed the LIC policy premium from the 2<sup>nd</sup> petitioner. Initially the 2<sup>nd</sup> respondent police, on receipt of the complaint had registered the case in C.S.R.No.106 of 2018 and later had been satisfied cognizable offence has made out registered a case in Crime No.584 of 2018 dated 04.03.2018. In this petition to quash the petitioners state that on the said date, the 3<sup>rd</sup> respondent/Krishnamoorthy try to assault the 1<sup>st</sup> petitioner and the 1<sup>st</sup> petitioner sustained injury, who was admitted in the hospital. The matter was reported to the 2<sup>nd</sup> respondent police and FIR in Crime No.85 of 2018 dated 04.03.2018 for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC was registered. Whereas, the respondent police instead of conducting proper investigation and had registered a case against these petitioners for offence under Sections 294(b), 323 and 506(ii) of IPC though they are actual victim of the crime and therefore, seek for quash the FIR registered against them.

4. The learned Government Advocate (crl.side) for the respondents 1 and 2 states that on the date of an alleged offence both the petitioners and the 3<sup>rd</sup> respondent have indulged in quarrel and fight leading to causing injury to each other and the same has brought to the notice to the 2<sup>nd</sup> respondent police by way of complaint and after due preliminary enquiry FIR has been registered by the both parties and the FIR in crime Nos.84 & 85 of 2018. In respect of FIR given by the petitioners herein investigation has been completed and final report has already filed. Insofar as the complaint given by the 3<sup>rd</sup> respondent against these petitioners, which is subject matter of Crl.O.P.. Due to pendency of this Criminal Original Petition before this Court, the police has not proceeded.

5. Taking note of the fact that the grounds raised in this petition does not fall within the parameter prescribed by the Hon'ble Supreme Court in quashing the First Information Report in the case of Bajanlal Vs. State of Haryana, [AIR 1992 SC 604], this Court decline to interfere with the investigation.

6. In the result, this Criminal Original Petition is dismissed with a direction to the 2<sup>nd</sup> respondent police to



complete the investigation and file final report within a period of two months from today.

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Sd/-  
Assistant Registrar

//True Copy//

rpl Sub Assistant Registrar

To

1. The Superintendent of Police,  
The Office of Superintendent of Police,  
Thiruvalur District.
2. The Inspector of Police,  
C5-Vengal Police Station,  
Thiruvalur.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.P.Arunkumar, Advocate, S.R.No.32285

Cr1.O.P.No.5929 of 2019

EV(CO)  
PM/21/06/2022