



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7581 of 2022

and

Crl.M.P.No.4362 of 2022

- 1.Soorya
- 2.Mahendran
- 3.Pugalendhi
- 4.Kalaivani
- 5.Singaravel

...Petitioners/Accused 1 to 5

Vs

- 1.The State rep by its,
The Inspector of Police,
Morappur Police Station,
Dharmapuri District.

- 2.Chinnasamy ...Respondents/Complainant & Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., pleased to call for the records pertaining to the FIR in Crime No.351 of 2021 on the file of the Inspector of Police, Morappur Police Station, Dharmapuri District and quash the same.

For Petitioner :Mr.M.Senthilkumar

For Respondents:Mr.A.Gokulakrishnan

Additional Public Prosecutor

For R1

ORDER

This Criminal Original Petition has been filed seeking to call for the records and quash the F.I.R in Crime No.351 of 2021, pending on the file of the Inspector of Police, Morappur Police Station, Dharmapuri District for the offences punishable under Sections 341, 294(b), 506(2) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution, as per the de-facto complainant (Chinnasamy) is that, on 22.12.2021 at about 6.30 P.M, the second respondent/de-facto complainant had questioned the first accused as to why they have filed so many cases



against them viz., O.S.No.168 of 2020, O.S.No.197 of 2020 and O.S.No.89 of 2021 before the District Munsif of Papiredipatti and STC No.478 of 2020 and Crl.M.P.No.3668 of 2021 on the file of the Judicial Magistrate, Harur, due to which, there was a wordy quarrel between them. Thereafter, the first accused, who is a Policeman along with his family members, who are the other accused persons herein, had abused the de-facto complainant and had threatened him not to use the common pathway.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Due to previous enmity, with regard to pending cases against them, the second respondent/de-facto complainant has given a false complaint. He would further submit that, earlier the second respondent/de-facto complainant and his family members had assaulted the fourth petitioner herein on 27.07.2021, in respect of which, a case in Crime No.350 of 2021 was registered by the respondent Police and a final report is yet to be filed and the investigation is pending. Thereafter, as a counter blast, the de-facto complainant has given a false complaint.

4. He would further submit that the first petitioner is working as a Head Constable in Police Department and she is now presently working in N2 Kasimedu Police Station, Chennai. The first petitioner had attended duty at Kasimedu Police Station, Chennai on 10.08.2021 and had gone to work on the previous day and also on the subsequent date. Therefore, it is not possible for the petitioner to be present at Morappur, Dharmapuri District, which is few hundred miles away, thereby, he would submit that the entire complaint is an abuse of process of law. Hence, the learned counsel for the petitioners seeks to quash the FIR.

5. The learned Additional Public Prosecutor for the first respondent would submit that the petitioners and the de-facto complainant are relatives and there are civil disputes pending between them. However, as per the complaint, the petitioners are stated to have abused the de-facto complainant and criminally intimidated the de-facto complainant. He would further submit that the ground of an alibi raised by the first petitioner, is a matter for investigation and the case cannot be quashed at the outset.

6. Heard both sides and perused the materials available on record.



7. It is seen from the First Information Report that there are specific allegations as against the petitioners, which have to be investigated. Further, the FIR is not an encyclopedia and it need not contain all facts. Therefore, it cannot be quashed at the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such, this Court cannot interfere with the investigation. The investigating machinery has to investigate and unearth the crime in accordance with the procedures prescribed in the Code.

8. However, it is made clear that the first respondent shall look into the documents and investigate with regard to the availability of the first petitioner before N2 Kasimedu Police Station, Chennai on the date of occurrence of the said incident.

9. This Criminal Original Petition stands disposed of by directing the first respondent to complete the investigation and file a final report as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rgm/kmm
To

1.The Inspector of Police,
Morappur Police Station,
Dharmapuri District.

2.The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.M.Senthilkumar, Advocate sr 23582.

Cr1.O.P.No.7581 of 2022
and
Cr1.M.P.No.4362 of 2022

SR(CO)
SP(06/05/2022)