

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.9910 of 2022

and

Crl.M.P.No.5843 of 2022

1.Jayanthi
2.Sumathi
3.Amsa
4.Gandhimathi
5.Dhanalakshmi
6.Praveen Kumar
7.Thilothaman G S @ Thilip Kumar ... Petitioners

Vs.

1.The State rep by
Inspector of Police,
Ambalur Police station,
Thirupattur District.
Crime No.26 of 2022

2.Arumugam ... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the First Information Report pending on the file of the 1st respondent police in Crime No.26 of 2022 dated 06.02.2022.

For Petitioners : M/s.L.Sumathi

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

R2-No appearance.

O R D E R

This Criminal Original Petition has been filed to call for the records and quash the First Information Report pending on the file of the 1st respondent police in Crime No.26 of 2022 dated 06.02.2022.

2. The case of the prosecution is that the 3rd petitioner is the 1st wife of the defacto complainant/2nd respondent. There was a dispute between them in respect of illicit relationship between the defacto complainant with another lady. Due to which, they have been living separately from the year 1998. While so, on 05.02.2022, at about 9.00pm, the 3rd petitioner along with other petitioners had questioned the defacto complainant about the sale of property and they also abused and attacked the defacto complainant and his second wife namely Meena. Hence, the defacto complainant lodged a complaint and the same was registered in Crime No.26 of 2022 for the offences under Sections 147, 148, 324, 326, 355, 506(2), 379 of IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3. Learned counsel for the petitioners would submit that the petitioners are the wife, daughters and grand children of the second respondent/defacto complainant. He would further submit that the defacto complainant had sold the property belong to the 3rd petitioner without her knowledge. When it was questioned, a dispute arose between them and it is purely a civil dispute whereas the second respondent/defacto complainant has given a false complaint as if the petitioners had abused and attacked the second respondent. Hence, he seeks to quash the proceedings.

4. Heard the learned counsel for the petitioners and learned Additional Public Prosecutor for the first respondent and perused the materials available on records.

5. On perusal of the FIR, this Court is of the view that such quashment is not permissible since the allegations found in the FIR is causing serious injuries. However, the 7th petitioner is said to have been in the hostel at the relevant point of time and his name has also been entered in the movement register maintained in the hostel and further, he has also placed Bonafied certificate issued by the CIPET : Institute of Petrochemicals Technology(IPT). In such view of the matter, the Investigating Agency shall take into consideration of the above and proceed further as per the law.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Ambalur Police station,
Thirupattur District.
2. The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to M/s.Karan and Uday, Advocate, S.R.No.40639

CrI.O.P.No.9910 of 2022
and
CrI.M.P.No.5843 of 2022

PMK(CO)
UMA(14/07/2022)