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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.16548 of 2019
and
Crl.M.P.No.8321 of 2019

R.Uthirakumar

... Petitioner

Versus

1.State Represented by
The Inspector of Police,
C3, Manimangalam Police Station,
(In Cr.No.88 of 2019)

2.K.Parasakthi

... Respondents

Prayer: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for all the records in Crime No.88 of 2019 on the file of Respondent Police and quash the same as illegal.

For Petitioner : Mr.R.C.Paul Kanagaraj

For R1 : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.88 of 2019 on the file of first Respondent Police.

2. When the case is taken up for hearing, the learned Counsel for the Petitioner invited the attention of this Court to Page No.3 of the typed set of papers, where CSR was given to the complaint preferred by the Petitioner against the second Respondent in C.S.R.No.262 of 2018. The complaint of the Petitioner was that, on 30.05.2018, he parked his car by around 7.15 p.m., the second respondent, who is the wife of one Kulasekaran is alleged to have harassed him by throwing chilly powder in his eyes and also let loose her dog on the Petitioner. For which, the complaint was preferred with the first Respondent/ Sub Inspector of Police, Manimangalam. On the



complaint of the Petitioner, the 1st Respondent Police had only issued C.S.R.No.262 of 2018.

3. It is the contention of the Petitioner that after this C.S.R., there was an amicable settlement, in which, the Respondent in C.S.R., who is the second Respondent herein had paid a sum of Rs.10,000/- towards treatment for the injury caused on the eyes of the Petitioner. Subsequent to that, as a counter blast of this C.S.R., the second Respondent is alleged to have given a complaint. Based on which, an FIR in Crime No.88 of 2019 was registered by the first Respondent Police. It is the further contention of the Petitioner, it is nothing, but fertile imagination. Only to harass the Petitioner, this FIR in Crime No.88 of 2019 had been filed. Therefore, the learned Counsel for the Petitioner seeks to quash the FIR in Crime No.88 of 2019.

4. The learned Government Advocate (Crl.Side) for the first Respondent vehemently objects to the submissions of the learned Counsel for the Petitioner stating that the CSR mentioned by the Petitioner is a past occurrence. The alleged occurrence in the FIR in Crime No.88 of 2019 occurred on 01.04.2019. Further, the learned Government Advocate (Crl.Side) vehemently objects to quash the FIR stating that the allegations are serious in nature attracting the Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

5. Today, the Investigation Officer was directed to furnish the status report. Accordingly, Mr.R.Ranjithkumar, Inspector of Police, C3, Manimangalam Police Station appeared before this Court and file the status report.

6. The learned Government Advocate (Crl.Side) invited the attention of this to paragraph No.4 of the status report, wherein, the Investigation Officer had furnished the list of witnesses available regarding the incident at the time of the incident when the alleged occurrence had taken place as per the complaint given by the second Respondent. The investigation is almost completed. Since there was an interim stay granted by this Court, the Investigation Officer is unable to file the final report.

7. Considering the dispute between the Petitioner, who is the tenant in the second floor and the second Respondent, who is the owner of the flats and there had been disputes continuously. The allegations made by the second Respondent/defacto complainant cannot be treated leniently considering the harassment caused to the women.

8. Considering the guidelines issued by the Hon'ble Supreme Court in the reported ruling in the case of State of Haryana Vs.



Bhajan Lal, the High Court shall not exercise power under Section 482 of Cr.P.C. leniently, also materials that are in the defence of the accused shall not be considered to quash the FIR or charge sheet. This is not a fit case for quashing of the FIR.

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9. In view of the above, the learned Judicial Magistrate, Tambaram is directed to proceed with the trial and dispose of the same within a reasonable period of time. Further, the learned Judicial Magistrate, Tambaram is advised that, if the accused/Petitioner files any petition seeking exemption of his personal appearance before the Court of the learned Judicial Magistrate, Tambaram, the same may be considered.

10. With the above directions, the Criminal Original Petition is dismissed. Consequently, connected Criminal Original Petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,
Tambaram.
- 2.The Inspector of Police,
C3, Manimangalam Police Station,
Kancheepuram.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.R.C.Paul Kanagaraj, Advocate, S.R.No.27301

Crl.O.P.No.16548 of 2019
and
Crl.M.P.No.8321 of 2019

EV(CO)
SB(05/05/2022)