



WEB COPY



Crl.O.P.No.18927 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.18927 of 2022

and

Crl.M.P.No.12544 of 2022

R.Sangeetha

... Petitioner

Vs.

1.State represented by its,
Sub Inspector of Police,
Annamalai Nagar Police Station,
Chidambaram Taluk, Cuddalore District.

2.R.Gunasundari

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to
call for the records of the first respondent police in FIR No.244 of 2021 dated
30.06.2021 and quash.

For Petitioner : Mr.S.Illamvaludhi

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (crl.side)



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ORDER

This Criminal Original petition has been filed to quash the FIR in Crime No. 244 of 2021 dated 30.06.2021 for the offences punishable under Sections 294(b), 323 and 506(2) of IPC.

2.The learned Counsel appearing for the petitioner submitted that a case has been registered against the petitioner in Crime No.244 of 2021 for the offences punishable under Sections 294(b), 323 and 506(2) of IPC. The allegation against the petitioner is that the petitioner had assaulted the in-laws with hand and abused them with filthy languages. Apart from this, there is no allegation against the petitioner. The petitioner gave complaint against her husband and in-laws on 08.01.2020, due to which, enquiry has been conducted by the respondent police in C.S.R No.12 of 2020. Later, the District Social Welfare Officer has written a letter to the respondent police on 16.12.2020 to get back the jewels from the petitioner's husband. The same District Social Welfare Officer has written another letter to the Inspector of Police on 05.01.2021, mentioning about the ornaments of the petitioner. Without considering the same, the respondent police on receiving complaint from the petitioner's in-laws had registered a false case against the petitioner. Hence, the present petition has been filed.



3. The learned Government Advocate (crl.side) submitted that on the complaint given by the one Gunasundari, a case has been registered against the petitioner in Crime No.244 of 2021 for the offences punishable under Sections 294(b), 323 and 506(2) of IPC and now the case is under investigation.

4. I have considered the matter in the light of the submission made by the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondent.

5. On perusal of records, it reveals that the petitioner has assaulted the defacto complainant with hands and abused her in laws with filthy languages, due to which, the defacto complainant had sustained injuries and the investigation is at the beginning stage. Therefore, it does not meet the parameters laid down by the Supreme Court in ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)***, ***M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)*** & ***PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrL.L.J.817)***, the matter has to be investigated to find out the truth. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore I find no merit and investigation is to be conducted to find out the truth.



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V.SIVAGNANAM, J.

shk

5.With the above direction, this Criminal Original Petition stands dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

14.10.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

shk

To

1 The Sub Inspector of Police,
Annamalai Nagar Police Station,
Chidambaram Taluk, Cuddalore District.

2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.18927 of 2022

and

Crl.M.P.No.12544 of 2022