



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.04.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP No.16693 of 2019

&

Crl MP.No.8401 of 2019

1.Varadharajan

2.Mrs.Manonmani

...Petitioners

Vs

1.The Inspector of Police,
Magudamchavadi Police Station,
Pommidi

2.Meenakshi

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to quash the FIR in Crime no.233 of 2018 on the file of the Inspector of Police, Magudamchavadi Police Station, Salem District.

For Petitioners : No appearance

For Respondents : Mr.R.Vinothraja,
GA (crl.side) for R1

Mr.Pugazhenth
for Mr.Kumarasamy for R2

ORDER

This petition has been filed under Section 482 Cr.P.C., to quash the FIR in Crime no.233 of 2018 on the file of the Inspector of Police, Magudamchavadi Police Station, Salem District.

2.Heard the learned Government Advocate(Crl.side) appearing for the first Respondent.

3.Today, when the case is taken up for hearing, there is no



representation for the petitioner. The representing counsel for the second respondent/defacto complainant is present in Court.

4. On perusal of records, it is seen that this Criminal Original Petition had been filed to quash the FIR in crime no.233 of 2018 on the file of the Inspector of Police, Magudamchavadi Police Station, Salem District.

5. On perusal of records, it is found that the petitioners are A1 & A2 before the first respondent police. The offences are under Sections 294(b) and 307 IPC and Section 4 of TNPHW Act. The defacto complainant is a woman. At the time of admission, interim stay was granted. Enjoying the interim stay, the accused who were alleged to have committed grave offences under Sections 294(b) and 307 IPC and Section 4 of TNPHW Act, had successfully protracted the proceedings and delayed the investigation, which amounts to abuse of process as per the rulings of the Hon'ble Supreme Court in "State of Haryana versus Bhajan Lal, reported in 1992 Supp(1) SCC 335. Having regard to the guidelines issued by the Hon'ble Supreme Court in the matter of exercise of inherent powers by this Court under Section 482 Cr.P.C., this Court is of the view that the interim stay is liable to be vacated and accordingly, the interim stay granted earlier, is vacated.

6. The learned Government Advocate(Crl.side) is directed to instruct the Inspector of Police, Magudamchavadi Police Station, Salem District to proceed with the investigation and lay the final report after completing the investigation before the Court of the learned Judicial Magistrate II, Salem District. The learned Judicial Magistrate II, Salem District is directed to dispose of the same within a period of three months from the date of receipt of the final report.

7. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

// True Copy//

Sub-Assistant Registrar

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To

1. The Judicial Magistrate II
Salem

2. The Inspector of Police,
Magudamchavadi Police Station,
Pommidi

3. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.26605

Cr1.OP No.16693 of 2019

MT (CO)
RN(13/05/2022)