



CrI.O.P.No.20530 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.20530 of 2021

and

CrI.M.P No.11161 of 2021

1.Abdul Malik
2.Arabath Nisha

... Petitioners

Vs.

The State Rep. by
1.The Inspector of Police
Sembanarkoil
Mayiladuthurai District.

2.Hajirabegum

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. praying to call for the records in Crime No.838 of 2021 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.Suresh

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

No Appearance for R2



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ORDER

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This Criminal Original Petition has been filed, seeking to call for the records pertaining to Crime No.838 of 2021 on the file of the 1st respondent police and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. The petitioners are the 1st and 2nd accused in the case registered in Crime No.838 of 2021 on the file of the 1st respondent, viz., the Inspector of Police, Sembanarkoil, Mayiladuthurai District, on the complaint given by the 2nd respondent.

4. The learned counsel for the petitioners submitted that a criminal colour has been given by the 2nd respondent for a civil dispute between the petitioners and the 2nd respondent; the FIR has been registered on the direction given by the Magistrate under Section 156(3) of Cr.P.C.; however, it has not been established whether the petitioner has given a complaint to



the police before invoking the remedy under Section 156(3) of Cr.P.C; the learned Magistrate without recording any reasons directed the respondent police to register the complaint and proceed with investigation; on this ground, the FIR should be quashed.

5. The learned Additional Public Prosecutor submitted that the petitioner had also given a counter complaint against the 2nd respondent.

6. Earlier, the petitioner and the 2nd respondent had given counter complaints in Crime Nos.1248 and 1249 of 2021 in connection with the occurrence dated 09.11.2020 and those FIRs are also pending. Since the respondent police is holding enquiry in all the three FIRs, a direction can be given to complete the investigation as expeditiously as possible. The petitioner himself has given a complaint against the 2nd respondent in another occurrence for which, the 2nd respondent has also given a counter complaint. Hence, I feel this case can also be investigated along with the said earlier cases.



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7. With the above observation, this Criminal Original Petition is disposed of and the first respondent shall complete the investigation within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

16.11.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order

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To

1.The Inspector of Police
Sembanarkoil
Mayiladuthurai District.

2.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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