



CrI.O.P.No.24538 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.O.P.No.24538 of 2022

and

CRL.M.P.No.15421 of 2022

1. Mr.K.Rasumani @ Thangavel
2. Mr.K.Palanisamy

.. Petitioners

Vs.

1. State, represented by
Inspector of Police,
Tiruppur North Police Station,
Tiruppur City
(Crime No.856 of 2022)

2. Mr.Gokulkannan

.. Respondents

Prayer: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records in Cr.No.856 of 2022 dated 26.07.2022 on the file of the Tiruppur North Police Station, Tiruppur City and to quash the same.



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For Petitioners : Mr.Deepanduday

For Respondents : Mr.S.Santhosh for R1
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for records and quash the FIR in Crime No. 856 of 2022 for the alleged offences under Sections 294(b), 323 and 506(i) of IPC, pending on the file of the 1st respondent police.

2. The learned counsel for the petitioners has submitted that the petitioners and the defacto complainant are relatives. When the petitioners and the defacto complainant and his mother were in the house of their relatives on 26.07.2022, wordy quarrel happened between them. In this regard, a complaint has been lodged by the defacto complainant stating that the petitioners abused the defacto complainant in filthy language and also threatened and assaulted him. Being a false case, he pleaded to quash the FIR.



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3. The learned Government Advocate (CrI.Side) has submitted that in the complaint, there is a specific allegation that the petitioners assaulted the defacto complainant, thereby he injured and the respondent police also obtained a wound certificate from the Medical Officer, Tiruppur Government Hospital and the matter is at the investigation stage and it is not proper to quash the complaint before completion of the investigation and hence he prays for dismissal of the petition.

4. Heard and considered the submissions made on either side.

5. A perusal of the records reveals that the respondent police has received information from the Tiruppur Government Medical Hospital. After receiving information, the first respondent went to the Tiruppur Government Hospital and on the basis of the statement of the injured person/defacto complainant, a case has been registered as against these petitioners in Cr.No.856 of 2022 on 26.07.2022 for the offences punishable under Sections 294(b), 323 and 506(i) of IPC.



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6. The allegation against these petitioners, prima facie, makes a cognizable offence. Therefore, it does not meet the parameters laid down by the Hon'ble 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 CrI.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 the investigation is to be conducted to find out the truth.

7. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. The respondent police is directed to complete the investigation and file a final report within a period of four weeks from the date of receipt of a copy of this order.

11.10.2022

Index : Yes/No

Internet : Yes/No

gv



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To

1. The Inspector of Police,
Tiruppur North Police Station,
Tiruppur City
(Crime No.856 of 2022)

2.The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

gv

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and
CRL.M.P.No.15421 of 2022**

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