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Crl.O.P.No.24790 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.O.P.No.24790 of 2022

1. M.Srinivasan
2. M.Ramamoorthy
3. Sivakami

... Petitioners

Vs

1. State rep.by
Sub Inspector of Police
E1, Panruti Police Station,
Panruti Taluk,
Cuddalore District.

2. Kalaivani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the FIR in Crime No.336 of 2022 dated 24.03.2022 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.C.Samivel

For Respondent : Mr.S.Santhosh
Govt.Advocate (Crl.side) for R1



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ORDER

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2. The learned counsel for the petitioner submitted that the allegation stated in the complaint that as though on 15.03.2022 at about 8:30 p.m. the petitioners have assaulted the defacto complainant and her family members and thereby caused injuries to them is a false one. In fact on 11.02.2022, 13.02.2022, 24.03.2022 and 31.03.2022 the petitioners have lodged many complaints against the defacto complainant and her family members but no action was taken against the defacto complainant. Instead the respondent police had registered the FIR only for the rival reason given by the defacto complainant and based on the complaint a case has been registered in Crime No.336 of 2022 for the offence under Sections 294(b), 323, 324, 506(ii) IPC r/w 4 of TNWH Act. He further submitted that no such incident had taken place on 15.03.2022 and with regard to the civil dispute a civil case in O.S.No.101 of 2014 has been filed by the defacto complainant's husband and the same is



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pending before the Principal District Court, Cuddalore. Thereafter a revision was preferred by the petitioners in I.A.No.82 of 2015 and interim stay was also granted by this Court. Under such circumstances, being a false case FIR in Crime No.336 of 2022 on the file of the 1st respondent against the petitioners needs to be quashed.

3. The learned Government Advocate (Crl.side) submitted that in both the cases investigation is under progress and he objected for quashing the FIR.

4. Heard both sides and perused the materials available on record.

5. It is seen that a case has been registered against these petitioners by the respondent police in Crime No.336 of 2022 for the offences under Sections 294 (b), 323, 324, 506(ii) IPC r/w 4 of TNWH Act on 29.03.2022. On perusal of the FIR it is seen that on 15.03.2022 at about 8:30 a.m. the petitioners quarrelled with the defacto complainant and her family members with regard to the land dispute and during the course of quarrel, the petitioners assaulted the defacto complainant and also injured her with knife and thereby caused injuries



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to her and also to her family members, therefore they went to Panruti Government Hospital and took treatment. Thereafter the defacto complainant gave a complaint against these petitioners. Having prima facie registration of FIR discloses that a cognizance of the offence is made out as investigation has to be made out to find out the truth. 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 has to be conducted to find out the truth.

6. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

13.10.2022

Speaking/Non speaking order
dpq



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To

1. The Sub Inspector of Police
E1, Panruti Police Station,
Panruti Taluk,
Cuddalore District.
2. The Public Prosecutor,
High Court of Madras.



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V. SIVAGNANAM, J.

dpq

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