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CrI.O.P.No.30302 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30302 of 2022

CrI.M.P.No.18570 of 2022

P.Senthilkumar

... Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
K8, Arumbakkam Police Station,
Chennai.

2.Vijaya

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for entire records in respect of FIR registered by the respondent in Crime No.316 of 2022, on the file of Inspector of Police, K8, Arumbakkam Police Station, Chennai – 106 and quash the same.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for entire records in respect of FIR registered by the respondent in Crime No.316 of 2022, on the file of Inspector of Police, K8, Arumbakkam Police Station, Chennai – 106 and quash the same.

2.The learned counsel for the petitioner submitted that the incident alleged to have happened on 20.07.2022, but the complaint was given on 17.09.2022. There is a delay of more than two months in giving the complaint. That apart, the alleged abuse had taken place inside the house and therefore, the offence under Section 294 (b) I.P.C cannot be made out. There is no injury caused to the alleged victim. There are civil dispute pending between the parties and keeping that in mind, this case is falsely foisted on petitioner.

3.The learned Government Advocate (Criminal Side) submitted that the investigation in this case is pending.

4.The reading of the First Information Report shows that the defacto complainant, who is his mother-in-law of the accused made a serious allegations



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against not only the petitioner but also against her two daughters and other son-in-law alleging that they forcibly occupied the ground floor portion of her house and giving various harassments. The harassment includes sexual abuse and obscene acts with physical violence. Despite the efforts to give complaint against the accused to the Police and to other authorities, no action was taken. The delay in complaint was caused because of the refusal of the Police in promptly registering the FIR. Thus, the reading of the First Information Report clearly makes out the offence under Section 323, 506 (i) and Section 294 (b) I.P.C and Section 4 of TN Prohibition of Harassment of Women Act, 2002. It is not a fit case for quashing the F.I.R. The respondent Police has to investigate into the complaint allegations and file final report in the manner known to law.

5.In this view of the matter, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

08.12.2022

Index:Yes/No
Speaking/Non speaking order

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G.CHANDRASEKHARAN.J.,

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To

- 1.The State Represented by
The Inspector of Police,
K8, Arumbakkam Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court of Madras.

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