



Crl.O.P.(MD)No.822 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD)No.822 of 2020

and

Crl.M.P(MD)No.356 of 2020

C.Amilthan

... Petitioner/Sole Accused

Vs.

1.The State rep. by
The Inspector of Police(Crime),
Tallakulam Police Station,
Madurai District.
(Crime No.2088/2019)

...1st Respondent/Complainant

2.Kannan

.. 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the FIR in Crime No.2088/2019 on the file of the respondent police and quash the same as illegal.



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For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)
for R1

No appearance for R2.

ORDER

The petitioner seeks to quash the FIR in Crime No.2088 of 2019 on the file of the first respondent police.

2.The allegation in the complaint is that the defacto complainant had a dispute with one Baskar and Jeyakumar in respect of an alleged offence of cheating committed by them. The matter was enquired by the respondent police. At that time, the defacto complainant and the petitioner, who was in the police station as a lawyer to represent the said Baskar had a wordy quarrel and the petitioner is said to have abused the defacto complainant and slapped him. Based on the complaint, the respondent police registered the impugned FIR against the petitioner.



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3. The learned counsel for the petitioner submitted that the petitioner is a lawyer and has been targetted for supporting his client, who was opposed to the defacto complainant. The defacto complainant had several cases against him and has filed this false complaint only to tarnish the image of the lawyer, who represented his client in the police station. The learned counsel further submitted that the petitioner also gave a complaint against the second respondent in respect of the same incident, which is registered in Crime No.2098/2019. The impugned FIR is an abuse of process of law and hence prayed for quashing.

4. The learned Additional Public Prosecutor submitted that the investigation pursuant to the impugned FIR was conducted and the final report is ready. However, in view of the orders passed by this Court at the time of admission directing the respondent not to file final report, the respondent have not filed the final report. He further submitted that Crime No.2088/2019 registered against the second respondent has also been investigated and the final report is ready in that case as well.



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5. This Court finds that the grounds raised by the petitioner have to be agitated only before the trial Court. The submission that the defacto complainant is a notorious person and has made this false complaint only to tarnish the petitioner's image since he, as a lawyer supported his opponent in an earlier criminal case, has to be gone into only in a trial. Since the final report is ready, the respondent is directed to file the same within a period of four weeks from the date of receipt of a copy of this order along with final report in Crime No.2098/2019. If a positive final report is filed against the petitioner, it is open to him to pursue his remedies in accordance with law.

6. With these observations, this Criminal Original Petition is dismissed.

23.12.2022

Internet: Yes/No

Index: Yes/No

PJL

To
The Inspector of Police (Crime),
Tallakulam Police Station,
Madurai District.

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SUNDER MOHAN,J.

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