



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.1022 of 2022

and

Crl.M.P. (MD)No.728 of 2022

WEB COPY

- 1.Suganya
- 2.Ammakkannu
- 3.Vellakkannu
- 4.Selvam
- 5.Azhagammai
- 6.Ponnazhagu @ Ponnammal
- 7.Gomathi
- 8.Packkiyam @ Backyalakshmi
- 9.Vetrivel
- 10.Mangappan ... Petitioners / Accused Nos.1 to 10
vs.
- 1.The State represented by
The Inspector of Police,
Illuppoor Police Station,
Pudukottai District.
(Crime No.434 of 2021) ... 1st Respondent/Complainant
- 2.Ganesh Kumar ... 2nd Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.434 of 2021 on the file of the first respondent and to quash the same as legally unsound and factually unfounded.

For Petitioners	: Mr.N.Balakrishnan
For R1	: Mr.M.Sakthi Kumar
	Government Advocate (Crl.)



ORDER

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (crl.side) appearing for R1.

2. The defacto complainant Ganesh Kumar is none other than the husband of the first petitioner Suganya. The defacto complainant had filed divorce case against the first petitioner and it is pending before the concerned Court. The parties are living separately for the last three years.

3. The case of the defacto complainant is that on the occurrence date, the petitioners came to his house and attacked his mother also.

4. The petitioner's counsel would point out that initially, the police declined to register a case and that the impugned FIR came to be registered only pursuant to the direction given by the jurisdictional Magistrate under Section 156(3) of Cr.P.C.

5. Even though the contentions advanced by the petitioner's counsel are quite persuasive, since contentious facts are involved, I am not in a position to entertain this petition. I make it clear that merely because a direction was issued under Section 156(3) of Cr.P.C., the first respondent is not obliged to file a positive final report. The first respondent shall independently investigate the case and based on the facts revealed therefrom, final report will be filed.

6. With this clarification and direction to the first respondent, this Criminal Original Petition is disposed of. All the contentions of the petitioners are left open. I have not gone into the merits of the matter. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
Illuppoor Police Station,
Pudukottai District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to M/s.N.BALAKRISHNAN, Advocate (SR-2463[F] dated
25/01/2022)

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MGJ(02.02.2022) 3P 4C