



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P.(MD)No.2392 of 2022

and

Crl.M.P.(MD) .No.1756 of 2022

1.Arasammal

2.Mahesh @ Maheshwari

...Petitioners/
Accused No.2 and 3

Vs.

1.State Rep. by the

The Inspector of Police,
Puliagudi Polic Station,
Tenkasi District.

...1st Respondent/Complainant

2.Petchimuthu

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to impugned FIR in Cr.No.591 of 2021 dated 12.12.2021 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr.M.Jerin Mathew
For R1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)

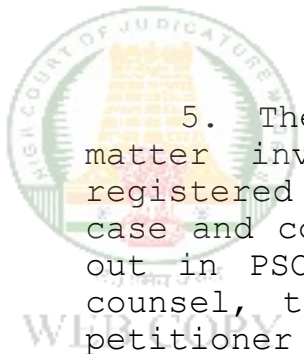
ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent.

2. The Criminal Original Petition has been filed to quash the impugned FIR in Crime No.591 of 2020 registered on the file of Puliangudi Police Station for the offence under Sections 294 (b), 324 and 506(2) IPC.

3. The learned Counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds.

4. Though I find them perusassive, since contentious facts are involved, it is not possible to entertain the quash petition. It is the investigation that will have to find out truth.



5. The learned counsel for the petitioner stated that the matter involves cross case in Crime No.592 of 2021 has been registered at the instance of the first petitioner herein. Since case and counter case are involved, I direct that the procedure set out in PSO 566 should be followed. According to the petitioner's counsel, the occurrence has been duly videographed by the second petitioner herein, namely, Mahesh @ Maheshwari. It is further stated that the mobile phone had been taken by the accused in Crime No.592 of 2021. This allegation shall be investigated. The first respondent shall take all steps to recover the said mobile phone.

6. Since some allegation has been made regarding the fairness of the investigation. I direct that investigation in the case and counter case shall be monitored by the jurisdictional Deputy Superintendent of Police. The jurisdictional Deputy Superintendent of Police shall vet the final report before they are filed. The entire investigation shall be concluded on merits and in accordance with law within a period of five months from the date of receipt of copy of this order. The Criminal Original Petition is allowed with the aforesaid direction. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

// 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,
Puliagudi Polic Station, Tenkasi District.

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

Copy to

The Deputy Superintendent of police, Puliangudi, Tenkasi 627 855.
+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-4360[F] dated
04/02/2022)

Crl.O.P. (MD)No.2392 of 2022

04.02.2022

SRR(CO)

TR(08.03.2022) 2P 5C

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