



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.5156 of 2022

&

Crl.M.P(MD)No.3627 of 2022

1. Sundarraraj
2. Lohith Kumar

... Petitioners/Accused Nos.1 & 2

Vs.

1. The State represented by
The Inspector of Police,
Eriodu Police Station,
Dindigul District.
(In Crime No.22 of 2022)

... 1st Respondent/Complainant

2. Muthammal

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records of the impugned FIR in Crime No. 22 of 2022 on the file of the first respondent police station and quash the same.

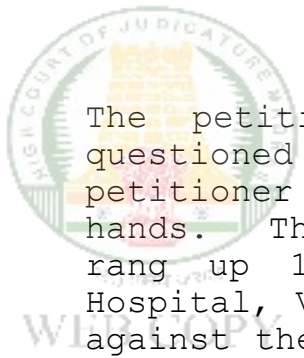
For Petitioners	:	Mr.A.Abdul Kabur
For Respondents	:	Mr.K.Sanjai Gandhi
		Government Advocate (Criminal Side)
		for R.1

No appearance for R.2

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No. 22 of 2022 on the file of the first respondent Police Station.

2. The case of the prosecution is that on 18.01.2022, the respondent Police has received information from Vedasanthur Government Hospital, and then, he rushed to the hospital, where he enquired and obtained statement from the second respondent. Her husband is working in Gas Company. She came to her sister-in-law's house for Pongal festival. At the time, the first petitioner blocked the pathway of Tank bank by laying bushes. Hence, the second respondent's daughter, namely, Nathiya, questioned the petitioners.



The petitioners abused Nathiya with filthy language. It was questioned by the second respondent. Thereafter, the first petitioner pushed down the second respondent and assaulted her with hands. The second respondent's relative, namely, Pandiammal, has rang up 108 Ambulance and hospitalized her in the Government Hospital, Vedasanthur. As such, this case came to be registered as against the petitioners. The entire occurrence has been captured by the first petitioner in his mobile phone.

3. It is seen that there was a civil dispute between the petitioner and his relative, one Alagan with regard to ancestral property. He, along with his family members, encroached the property belonged to the petitioner. In this regard, the villager submitted representation and filed a public litigation before this Court in W.P(MD)No.675 of 2022 and as such, the said Alagan and his family members aggrieved over the petitioners.

4. In view of the said assault, the first petitioner's sister had sustained injury and lodged a complaint and the same has been registered in Crime No.21 of 2022 for the offences under Sections 294(b), 323, 324 and 506(ii)IPC as against the accused persons. The petitioners also produced the photographs to show that they sustained injuries. For the very same occurrence, the mother of A.1 and A.2 in Crime No.21 of 2022 lodged a complaint and the same has been registered in Crime No.22 of 2022 for the offences under Sections 294(b) and 323 IPC. Therefore, the present impugned FIR is nothing, but clear abuse of process of law. The learned counsel for the petitioners relied on the judgment of the Hon'ble Supreme Court in ***State of Haryana and others Vs. Bhajan Lal and others [1992 (1) Supp (SCC) 335]*** wherein it is held that if registering an FIR is attended by *malafides*, then, it is a ground for quashing the prosecution itself.

5. In view of the above, the impugned FIR cannot be sustained as against the petitioners and it is liable to be quashed. Therefore, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

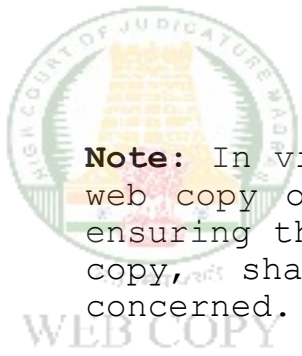
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



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,
Eriodu Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SA(06.05.2022) 3P 3C