



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 08/03/2022

CORAM:

The Hon`ble Mr.Justice **G.ILANGO VAN**

CRL OP(MD) . No.5264 of 2019

in

Cr1.M.P. (MD)No.3326 of 2019

U.R.Dhavamani

... Petitioner/Sole Accused

Vs

1.Inspector of Police,
Pattukottai Police Station,
Pattukottai, Thanjavur District.
(Crime No.249 of 2018)

2.Mala,
Assistant Training Officer,
Parkur Co-operative I.T.I.,
Pargur, Krishnagiri District. ... Respondent/Complainant

Prayer: Petition filed under Section 482 of Criminal Procedure Code to call for the First Information Report pertaining to the case in Crime No.249 of 2018 on the file of the first respondent police and quash the same.

For Petitioner : Mr.S.Ramasamy

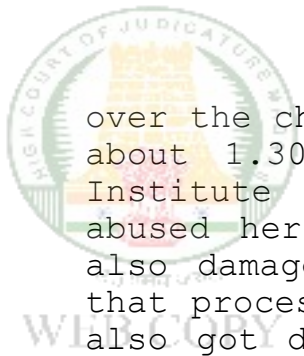
For R1 : Mr.B.Nambi Selvan
Additional Public Prosecutor

For R2 : Mr.K.Mohan

ORDER

This petition has been filed seeking quashment of Crime No.249 of 2018 on the file of the first respondent.

2.The case of the prosecution in brief is that the defacto complainant was working as a Principal, Co-operative Society Training Institute, Pattukottai. She got some issues with one Thavamani who is also working as the Principal in the above said institution. Some time before the occurrence, she was transferred to the Regional Office, Thiruvannamalai. She was directed to hand



over the charge to the Director, one Mr. Ilangovan. On 04.09.2018 at about 1.30 p.m., she went to the Co-operative Society Training Institute at Pattukottai. At that time, the accused came there, abused her with filthy language and physically assaulted her. He also damaged her cellphone. She was pushed down and stamped. In that process her watch also was damaged. Apart from that her jewel also got damaged. She was taken to the hospital. Based upon the above said incident, she lodged a complaint. Pursuant to which Crime No.249 of 2018 was registered for the offences punishable under Sections 332, 353, 294(b), 427, 323, 324 and 506(2) of IPC. During the above said process of assault, the accused also criminally intimidated her. Seeking quashment of the First Information Report, this petition is filed by the petitioner/ the sole accused.

3.This petition has been filed mainly on the ground that it is a clear case of malafide complaint. The defacto complainant was requested to hand over the charges and the laboratory materials. Later, those articles found missing. When that was questioned, no proper reply was given. Later, in the presence of Sub Registrar, the lock of the room was broke open and found that no articles were available. Based upon the above said event, this petitioner filed a complaint before the higher officials. In spite of repeated complaints, no proper action was taken. Only to pressurize the petitioner to withdraw the complaint, such a false complaint has been given and registered.

4.The learned counsel for the petitioner would further submit that no injury has been sustained by the defacto complainant. Even though a complaint has been recorded from the defacto complainant, when she was admitted in the hospital, because of the malafide intention a complaint has been falsely given.

5.The learned Additional Public Prosecutor would submit that the defacto complainant has sustained injury. The petitioner has also pulled her saree and pushed her to the floor. She was admitted in the hospital. A medical report was obtained from the medical officer. It shows, the defacto complainant suffered injuries.

6.The contentions of the petitioner is that due to internal administrative issue, such a false complaint has been given, which cannot be a matter for consideration in this petition. It is a factual and disputed question that have to be thoroughly investigated and tried. Whether there was any malafide intention on the part of the defacto complainant she lodged the complaint. It is also a matter for consideration during investigation. When injury is said to have been caused to the defacto complainant, quashing the First Information Report which is at the preliminary stage, is not proper and it is also not permissible under law. An investigation must be undertaken to its logical end. I find absolutely no merit in the petition. This petition is deserves to be dismissed.



7. With this liberty, this Criminal Original Petition is dismissed. At the time of final report, if the petitioner is not satisfied with the contents of the same, he can approach the Court through appropriate proceedings. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (CS I)

// 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. Inspector of Police,
Pattukottai Police Station,
Pattukottai, Thanjavur District.

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

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MGJ(24.03.2022) 3P 3C