



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
Dated:19/04/2022

CORAM:

**THE HON'BLE MR JUSTICE G.ILANGOVAN**

Crl.OP(MD)No.9001 of 2019  
and  
Crl.MP(MD)No.5713 of 2019

S.Vijayalakshmi : Petitioner/A2

Vs.

1.The Inspector of Police,  
C-4, Thilagar Thidal Police Station,  
Madurai City,  
Madurai.

2.Gopalakrishnan : Respondents/Respondents  
(Amended as per order of this Hon'ble Court dated 01.03.2022 in  
Crl.OP(MD)No.9001/2019)

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the case in Crime No.319 of 2019 dated 30.05.2019 on the file of the 1<sup>st</sup> respondent and quash the same.

For Petitioner : Mr.S.R.Anbarasu

For 1<sup>st</sup> Respondent : Mr.SS.Madhavan  
Government Advocate  
(Criminal side)

For 2<sup>nd</sup> Respondent : Mr.I.Saliyakhan

### **O R D E R**

This petition has been filed seeking quashment of the case in Crime No.319 of 2019 on the file of the 1<sup>st</sup> respondent.

#### **2.The case of the prosecution in brief:-**

The second respondent has lodged a complaint before the first respondent police with the following allegations:- He is working as an employee in Pandian Tyres. On 30/05/2019, he went to the parties house for showing the tyre. At that time, the accused persons abused him in filthy language and assaulted him on his head and right leg and chest portion. He was secured by the co-employee. On the basis of the complaint given by him, a case in Crime No.319 of 2019 was registered for the offences under sections 294(b) and 323 IPC.



3. Seeking quashment of the above said criminal case, this petition has been filed by the petitioner on the ground that the complaint has been given at the instance of the co-employee namely Madhupandian, who is having motive against this petitioner. Proper allegations are not mentioned in the petition, attracting any of the ingredients of the offences against this petitioner. He has filed a writ petition in WP(MD)No.5508 of 2019 claiming compensation against the police officials. Out of the motive only, this case has been foisted.

4. Heard both sides.

5. Except stating that it is a motivated complaint given by the 2<sup>nd</sup> respondent at the instance of his co-employee namely Madhupandian, no other legally sustainable ground has been made. The case has been registered for the offences under sections 294(b) and 323 IPC. He has also stated that he was assaulted by all the accused persons. But whether he was taken to the hospital or not is not clear on record. The copy of the Writ Petition in WP(MD)No.5508 of 2019 has been produced by the petitioner. That writ petition was filed stating that her husband namely Saravanan and Madhupandian are brothers and running the tyre business in the opposite to each other. So because of the above said business motive, the above said Madhupandian created document by utilizing the signature, that was obtained with force. With regard to the incident, that took place on 28/10/2018, she lodged a complaint against the above said Madhupandian before the All Women Police Station, (South), Madurai, which was also registered in Crime No.24 of 2018. In collusion with the above said Madhupandian, this case has been foisted in Crime No.20 of 2019 and also threatened her husband to withdraw the complaint, which was given by the above said Madhupandian and the allegations have been made against the police officials, as she also assaulted and criminally intimidated. When she was arrested in connection with the case in Crime No.20 of 2019, that case was filed on 07/03/2019. According to the petitioner, only to wreck vengeance, the above said Madhupandian instigated the second respondent to file a false complaint. The date of occurrence is stated to be 30/05/2019. Whether it is true complaint or not and whether the second respondent has sustained any injury or not cannot be a matter for consideration in this petition. Simply because, there was enmity between the employees and the second respondent and this petitioner, this court cannot go without any material on record finding that it is a false case.

6. It appears that there is continuous trouble between the brothers with regard to the running of Tyre business. In such circumstances, I find no merit in this petition and the investigation must be undertaken to its logical conclusion. If during the course of investigation and after conclusion of investigation, if the petitioner is aggrieved by any contents of the final report, she can workout her remedy through appropriate proceedings.



7. In the result, this criminal original petition is **dismissed**.  
Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

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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,  
C-4, Thilagar Thidal Police Station,  
Madurai City,  
Madurai.

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

+1 CC to M/s.G. RAJAGURU, Advocate ( SR-19834[F] dated 20/04/2022 )

+1 CC to M/s.I. SALIYAKHAN, Advocate ( SR-20052[F] dated 21/04/2022 )

Cr1.OP(MD)No.9001 of 2019

**19.04.2022**

MGJ(17.05.2022) 3P 5C