



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

CRL OP(MD). No.10560 of 2022

and

CRL MP(MD).No.6605 of 2022

WEB COPY

1.Subin

2.Sujin

3.Xavier Joseph

... Petitioner/Accused No.1 to 3

Vs

1.The State,

Represented by,
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
Crime No.41 of 2021.

...1st Respondent/Complainant

2.Vazhan

...2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to the impugned F.I.R in Crime No.41 of 2021 dated 28.01.2021, on the file of the first respondent Police and to quash the same as illegal.

For Petitioners : Mr.G.Aravinthan
For R-1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned F.I.R in Crime No.41 of 2021 dated 28.01.2021 on the file of the first respondent.

2. The learned counsel for the petitioner submitted that on 18.01.2021, at about 4.00 p.m., the first petitioner was assaulted by the accused and they misused the filthy languages. Therefore, a complaint was registered by the respondent Police in Crime No.29 of 2021 for offences under Sections 448, 294(b), 323, 324, 427, 506(2) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Subsequently, another complaint was preferred by the accused against the petitioners in Crime No.41 of 2021 for offences under Section 341, 294(b), 323, 506(1) of I.P.C. The respondent Police registered the case without any reason. Hence



the petitioners filed the present Criminal Original Petition to quash the F.I.R.

3. The learned Additional Public Prosecutor submitted that the Police received two complaints from the petitioners as well as the accused. One complaint has been registered in Crime No.29 of 2021 and another complaint has been registered in Crime No.41 of 2021. Both the cases are investigated. In Crime No.29 of 2021, final report has been filed before the learned Judicial Magistrate-II, Padmanabhapuram in C.C.No.220 of 2021. With regard to the case in Crime No.41 of 2021, it is submitted that the investigation is pending.

4. I have considered the matter in the light of the submissions made by the learned counsels for both the parties.

5. Admittedly, there is a case in counter. The petitioner given a complaint against the accused and in turn, the accused also given a complaint against the petitioners. Both the cases were registered in Crime No.29 of 2021 for offences under Sections 448, 294(b), 323, 324, 427, 506(2) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Crime No.41 of 2021 for offences under Section 341, 294(b), 323, 506(1) of I.P.C. With regard to the case registered in Crime No.29 of 2021, the Police have completed the investigation and filed a final report before the learned Judicial Magistrate-II, Padmanabhapuram. But in Crime No.41 of 2021, the investigation is not yet completed.

6. In view of the above, this Court directs the respondent Police to complete the investigation in Crime No.41 of 2021 within a period of two (2) weeks from the date of receipt of a copy of this order and file a final report before the concerned Judicial Magistrate.

7. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Nsr



To
1. The Inspector of Police,
The State,
Thiruvattar Police Station,
Kanyakumari District.
Crime No.41 of 2021.

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

+1 CC to M/s.G. ARAVINTHAN, Advocate (SR-26095[F] dated
16/06/2022)

CRL OP(MD) No.10560 of 2022
15.06.2022

KS(CO)
KB(27.06.2022) 3P 4C