



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.18045 of 2021

1. R.Jeevanatham @ Jeevan

2. R.Rajasekar ... Petitioners/ Petitioners/ Accused 2&4

Vs.

1. State represented by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District. ... Respondent/Respondent/ Complainant

2.Alagarsamy ... Respondent/ Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records and quash the complaint filed in Crime No.396/2020 pending on the file of the 1st respondent against the petitioners.

For Petitioners : Mr.A.Raja
For R-1 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

For R-2 : Mr.K.Navaneetha Raja

ORDER

This Criminal Original Petition has been filed to quash the F.I.R in Crime No.396 of 2020 registered for the offences punishable under Section 147, 323 and 506(1) of IPC.

2. There are totally ten (10) accused persons in which the petitioners are arrayed as A-2 and A-4. The case of the prosecution is that on 24.07.2020, at bout 5.30 P.M., that the children of their street went to the forest situated near a temple of the petitioners and it was questioned by them. Further, they attacked them by hands and threatened them with dire consequences.

3. It is seen from the records that the present F.I.R has been registered after the case registered in Crime No.393 of 2020. On



the complaint lodged by the first petitioner, F.I.R has been registered in Crime No.393 of 2020 for the offences under Sections 147, 323, 506(1) of IPC as against the second respondent and others. The said complaint was lodged on the allegation that the first petitioner and his family members were attacked on 27.04.2020, at about 5.15 P.M., by the communally hated gang consisting of 100 members for the reason that one Tamil Selvan, the younger brother of the petitioners fell in love with other community girl and both of them got married. It was objected by the second respondent and other village persons. Thereafter, they were living out of the Village and when they returned to their Village after 1 ½ years, after giving birth to twin children to see their parents, the second respondent and the other accused persons formed a gang and attempted to kill the couple along with the newly born children. Though specifically averred that they abused them with filthy languages using their caste, the F.I.R has been registered for the offences punishable under Section 147, 323, 506(1) of IPC.

4. Only to escape from the clutches of law, the present F.I.R has been registered as against the petitioners in Crime No.396 of 2020, as if the occurrence took place at about 5.30 P.M. on the very same day with different set of allegations. Therefore, it is seen that the present complaint is nothing but lodged only to take revenge on the petitioners.

5. In this regard, it is relevant to rely upon the judgment of the Hon'ble Supreme Court of India, reported in the case of ***State of Haryana Vs. Bhajanlal***, wherein, it was held as follows:

(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

6. Accordingly, where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge, it amounts to clear abuse of process of law and it cannot be sustained.

7. In the case on hand, as stated supra, the present F.I.R has been registered only with an ulterior motive for wreaking vengeance on the petitioners. Therefore, it cannot be sustained and it is liable to be quashed. Further, the first respondent is directed to complete the investigation in Crime No.393 of 2020 and file a final report within a period of twelve (12) weeks from the date of receipt of a copy of this order.



8. Accordingly, the F.I.R in Crime No.396 of 2020 on the file of the first respondent is hereby quashed and this Criminal Original Petition is allowed.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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

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RD(16.03.2022) 3P 3C