



Crl.O.P.No.2247 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.03.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.2247 of 2022

and

Crl.M.P.No.1006 of 2022

1. Pushpakumari
2. Sathishkumar

...Petitioners

Vs.

The Inspector of Police,
(Law and Order),
G3, Kilpauk Police Station,
Kilpauk, Chennai-600 010.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the respondent in Crime No.410 of 2021, re-numbered as G3, FIR No.170 of 2021 and quash the same.

For Petitioners : Mr.K.Balakrishnan
For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed calling for the records of the respondent in Crime No.410 of 2021, re-numbered as G3, FIR No.170 of 2021 and to quash the same.



2. The learned counsel for the petitioner submitted that there was a dispute between the defacto complainant and the petitioner in connection with car parking and also payment of maintenance fee by the defacto complainant. There was some scuffle between the parties resulting in registration of two criminal cases in Crime No.409 of 2021 for the offences punishable under Sections 294(b), 323, 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and in Crime No.410 of 2021 for the offences punishable under Sections 294(b), 323, 506(1) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The petitioners are the accused in Crime No.410 of 2021. The allegations made in the First Information Report are exaggerated and false. There is no material produced to show that the defacto complainant suffered injury inviting the registration of FIR for the offence under Section 323 of IPC. The Police have not conducted proper investigation in this case. In counter cases, it is the duty of the respondent Police to find out who is the aggressor. Without following this procedure, the respondent Police is keeping the investigation pending and they are harassing the petitioners. Therefore, this petition.



3. In response, the learned Government Advocate (Crl.Side) submitted that investigation in this case is pending and would be completed soon.

4. The FIR allegations in Crime No.410 of 2021 show that the petitioners and the defacto complainant are the resident of Flowers Apartment. The petitioner Pushpakumari was doing a job of Secretary for the maintenance of the apartment. The defacto complainant informed the petitioner Pushpakumari that there is a leakage in the ceiling and requested to make necessary repairs. That was unheeded by the petitioner Pushpakumari. The defacto complainant was parking her car in the place earmarked for former Secretary one Sivaprakash for the last four years with his consent and parks another car in the place earmarked for her. The accused started giving problems in connection with the parking of the vehicle and they also informed the watchman not to do any work to the defacto complainant. When the defacto complainant enquired about this, the accused Pushpakumari at about 05.00 p.m, on 15.09.2021, called her husband Sathishkumar and started scolding the defacto complainant in filthy language and started attacking her and her husband. They also made a criminal intimidation with death threat. Therefore, the complaint was given and on that basis the FIR was registered.



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5. The FIR allegations clearly make out a cognizable offence against the petitioners herein and requires investigation by the respondent Police. It is true that on the basis of the complaint given by the accused Pushpakumari, the FIR in Crime No.409 of 2021 was registered against Ravivalluvan, his wife and son-in-law. It is for the respondent Police to investigate and file appropriate final report. However, this Court finds no merits in the claim of the petitioner for quashing the FIR in Crime No.410 of 2021. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

6. The respondent Police is directed to complete the investigation, within a period of two months from the date of receipt of a copy of this order and file a final report and intimate to the parties.

13.03.2023

mn

Index: Yes/No

Speaking Order: Yes/No



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To

1. The Inspector of Police,
(Law and Order),
G3, Kilpauk Police Station,
Kilpauk, Chennai-600 010.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

mn

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