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Crl.O.P.No.2438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2438 of 2023

and

Crl.M.P.No.1337 of 2023

1. Sivakumar

2. Ezhilarasi

... Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
Guduvancherry Police Station,
Chengalpattu District.

2. Venkatesan

(Crime No.376 of 2022)

... Respondents

PRAYER : This Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to call for the records and quash the proceedings in Crime No.376 of
2022, pending on the file of the Respondent.

For Petitioners : Mr.K.Duraimurugan

For R1 : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.376 of 2022, pending on the file of the respondent Police.

2. Learned counsel for the petitioners submitted that there was already a money dispute between the petitioners and the de-facto complainant, due to which, a false case in Crime No.376 of 2022 was registered as against the petitioner. Therefore, he filed this present petition.

3. Learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that the First Information Report in this case was registered by the Guduvancherry Police Station for the offence under Sections 294(b) & 506(ii) of IPC. During the course of investigation, the offence under Sections 294(b) & 506(ii) was altered to one under Sections 294(b) & 506(i) of IPC. He further submitted that investigation in this case is almost completed.



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4. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police.

5. It is seen from the allegation stated in the First Information Report that the de-facto complainant had already given a complaint against the Sivakumar, first petitioner herein and the enquiry was conducted by the Officer concerned at Tambaram on 09.01.2022. After enquiry, when the de-facto complainant come out, the petitioner said to have made a life threat to him and that was captured in a cell phone. Therefore, this case was registered.

6. The allegations in the First Information Report clearly make out the case of cognizable offence. Therefore, the Investigation Officer is required to conduct investigation in this case. In this view of the matter, this Court is not inclined to quash the First Information Report in Crime No.376 of 2022.



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G.CHANDRASEKHARAN,J.

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7. Accordingly, the Criminal Original Petition stands dismissed.
Consequently, connected miscellaneous petition is closed.

06.02.2023

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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

To

1. The Inspector of Police,
Guduvancherry Police Station,
Chengalpattu District.
2. The Public Prosecutor,
High Court of Madras.

**Crl.O.P.No.2438 of 2023
and Crl.M.P.No.1337 of 2023**

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