



WEB COPY



Crl.O.P.No.2449 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.2449 of 2023

and

Crl.M.P.No.1347 of 2023

Sandeep

... Petitioner

Vs.

1. The State represented by,
The Inspector of Police,
Saravanampatty Police Station,
Coimbatore District.

2. Thamarai Selvi

(Crime No.778 of 2022)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleased to call for the records in Crime No.778 of 2022 on the file of the
Inspector of Police, Saravanampatty Police Station, Coimbatore and quash the
FIR pending against the petitioner.

For Petitioner : Mr.S.Silambuselvan

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.778 of 2022, pending on the file of the respondent Police.

2. Learned counsel for the petitioner submitted that this case was registered against the petitioner on the basis of the complaint given by one Thamarai Selvi, 2nd respondent herein. Similarly on the basis of the complaint given by one Umamaheswari a case in Crime No.779 of 2022 for the offence under Sections 294(b), 323 of IPC & Section 4 of TN Prohibition of Harassment of Women Act, 2002 was registered against the Balakrishnan and R2. Both are counter cases pending before the respondent Police. The respondent without properly following the Police Standing Order 588A conducting investigation. The allegation made in the complaint given against the petitioner is not true. Therefore, he filed this present petition.



3. In response, the learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that two incidents, resulted in registration of two First Information Reports. Investigation in both the cases are almost completed and the final report will be filed in due course.

4. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.

5. It is seen from the allegation stated in the First Information Report that when the 2nd respondent visited her flat at Krishna Garden, Udaiampalayam on 26.11.2022 at about 10.00 a.m., she found that the family of Balaji had thrown waste in her plot. When it was questioned by her, Umamaheswari and his son Sandeep, petitioner herein told her that they would throw the waste like that and scolded her in a filthy language. Two other persons joined with them and they attacked the de-facto complainant and her son with wooden log, brick and pipe. Therefore, the complaint was given.



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6. The allegations made in the First Information Report make out the case of cognizable offence against the petitioner. It is also submitted by the learned Government Advocate (Crl.Side) that the investigation in this case is almost over. Therefore, this Court is of the view that there are enough materials available to proceed further with the investigation of the case and to file final report. In view of this matter, this Court is not inclined to quash the First Information Report in Crime No.778 of 2022.

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



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To
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1. The Inspector of Police,
Saravanampatty Police Station,
Coimbatore District.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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**Crl.O.P.No.2449 of 2023
and Crl.M.P.No.1347 of 2023**

06.02.2023