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Crl.O.P.No.4695 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4695 of 2023

D.Sarathkumar ... Petitioner

Vs.

1.State rep by
The Inspector of Police,
K.6 T.P.Chathiram Police Station,
Chennai District,
Crime No.02/2023

2.Aruna Devi ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and quash the First Information report in Crime No.02 of 2023 pending investigation on the file of Respondent police.

For Petitioner : Mr.D.Bharathy
For Respondent : Mr.S.Santhosh
No.1 Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to call for the records and quash the FIR in Crime No.02 of 2023, pending investigation on the file of respondent police.



Crl.O.P.No.4695 of 2023

WEB COPY

2.The learned counsel for the petitioner submitted that the complaint against the accused was a premeditated complaint given on the basis of previous enmity. FIR allegations did not reveal that petitioner is the one who set the 2 two wheelers and 3 cycles on fire. The name of the person, who informed second respondent/defacto complainant about burning of the vehicles is also not given in the FIR. Therefore, this petition is filed for quashing the proceedings in Crime No.02 of 2023, pending on the file of the respondent police.

3.The learned Government Advocate (Crl.Side) submitted that FIR was registered only on 03.01.2023, police is investigating this case and final report will be filed once investigation is completed.

4.Reading of FIR allegations shows that second respondent/defacto complainant was using the two wheeler bearing No.TN 01 BP 3684 Jupiter Blue Color. The accused Sarathkumar, Samuel and Prasanna used to consume alcohol in the corner of the road which is 100 meters from the house. They also used to make noise. When it was questioned by her husband, they picked



Crl.O.P.No.4695 of 2023

up quarrel with him. Samuel was booked by the police for selling kanja and the accused thought that second respondent/defacto complainant was responsible for the registration of the case by the police against the accused. On 02.01.2023, at about 10 p.m., second respondent/defacto complainant returned to home after visiting temple and sending her husband to Sabarimala pilgrimage. The accused who were consuming alcohol in the street corner scolded her in filthy language and made death threat and also stated that they would burn her and her vehicle. Later, in the night at about 1.30 p.m., the persons residing opposite to her house informed that her vehicle was burning. She saw her aforesaid 2 two wheelers and 3 cycles were burning. She along with the others doused the fire. She suspect that the accused were responsible for setting fire for the vehicles. Therefore, this complaint was given.

5.The complaint allegations clearly make out cognizable offences against the petitioner and other accused. The case is in the preliminary stage of investigation. Therefore, this Court is of the view that prayer for quashing of FIR cannot be entertained.



Crl.O.P.No.4695 of 2023

WEB COPY

6. In this view of the matter, this petition is dismissed. The respondent is directed to complete the investigation and file a final report within a period of three month from the date of receipt of a copy of this order.

02.03.2023

sli

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To:

1. The Inspector of Police,
K.6 T.P.Chathiram Police Station,
Chennai District.

2. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.4695 of 2023

G.CHANDRASEKHARAN, J.
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Crl.O.P. No.4695 of 2023

02.03.2023