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CrI.O.P.No.6761 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.6761 of 2023

and

CrI.M.P.No.4257 of 2022

Prakash

... Petitioner

Vs.

1.State by,
The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
Crime No.326 of 2020.

2.Ramani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in the Crime No.326 of 2020 on the file of The Inspector of Police, Arakandanallur Police Station, Villupuram District and quash the FIR pending against the petitioners.

For Petitioner : Mr.S.Silambuselvan

For Respondents : Mr.S.Santhosh
Government Advocate (CrI. Side)
for R1



Crl.O.P.No.6761 of 2023

WEB COPY

ORDER

This Criminal Original Petition is filed to call for the records in the Crime No.326 of 2020 on the file of the Inspector of Police, Arakandanallur Police Station, Villupuram District and quash the FIR pending against the petitioner.

2. It is the submission of the learned counsel for the petitioner that the second respondent / defacto complainant belongs to same village and due to previous motive, the second respondent / defacto complainant gave a false complaint against the petitioner. There was also a delay of three days in giving the complaint. Therefore, this petition is filed for quashing the complaint.

3. Learned Government Advocate appearing for the respondent No.1 submitted that investigation will be completed and final report will be filed soon.

4. Considered the rival submissions and perused the records.



5. The FIR allegations are that, the accused in this case used to take photograph of women while they are answering their natural call in Kallankuththu Village. The second respondent's daughters were also similarly photographed with the cell phone by the petitioner. The act of the accused / petitioner was informed to his parents. Thereafter, the accused along with some others on 18.05.2020 at about 4.00 p.m. came to the house of the defacto complainant and scolded the defacto complainant and her daughters in a filthy language. Muthu kumar and Dhatchina Moorthy had hit the defacto complainant on her back with their hands. Viji, Mahendhran and Prakash had hit Sneha on her face with their hands. When defacto complainant's relative one Revathy tried to intervene, Dhatchina Moorthy hit her on back and Muthu kumar and Viji had also hit Revathy with stone on her face. The defacto complainant's daughter Vaitheshwari was also hit by Dhatchina Moorthy. Then, all the accused made death threat. Therefore, a complaint was given. On the basis of the complaint, FIR in Crime No.326 of 2020 for the offences under Sections 147, 294 (b), 323, 324 and 506 (ii) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 was registered and it is pending.



Crl.O.P.No.6761 of 2023

6. The complaint allegations clearly make out the commission of cognizable offences against the petitioner. Therefore, the prayer for quashment of the proceedings cannot be entertained.

7. The claim of the learned counsel for the petitioner that there was a previous enmity between the defacto complainant and the petitioner and there was a delay of three days in giving the complaint, these issues are to be canvassed before the Trial Court. These grounds are not enough for quashing the F.I.R. This F.I.R. allegations have to be investigated and final report has to be filed. Therefore, this Court directs the first respondent to complete the investigation within a period of two months and file a final report before the concerned Court.

8. In view of the above, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

28.03.2023

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes / No

4/6



CrI.O.P.No.6761 of 2023

WEB COPY

1.The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
Crime No.326 of 2020.

2.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.6761 of 2023

G.CHANDRASEKHARAN, J.

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Crl.O.P.No.6761 of 2023

28.03.2023