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Crl.O.P.No.6868 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6868 of 2023

1.A.Rathinavel

2.R.Siva

3.B.Goutham

4.A.Selvam

5.S.Arun

6.Krishnaveni

7.Rani

8.Jothi

...Petitioners

Vs

1.The Inspector of Police

Sooramangalam Police Station Salem

Crime No. 209/2022.

2.B.Kannan

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,



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to call for the records in Crime No.209/2022 on the file of the Inspector of Police Sooramangalam Police Station Salem and Quash the same and pass such further or other orders as this Court deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr.J.Rajmohan
For Respondents : Mr.S.Santhosh (For R1)
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.209/2022 on the file of the Inspector of Police Sooramangalam Police Station Salem and Quash the same

2.It is the submission of the learned counsel for the petitioners that there is a property dispute between the defacto-complainant's family and petitioner's family. As a result there were frequent quarrels. The criminal complaint against the petitioners are falsely given. On the other hand, petitioner Rathinavel had given a complaint against defacto-complainant Kannan, his wife and others. On the basis of his complaint, First Information Report in Cr.No.210 of 2022 for the offence under Section 294 (b), 324 and 506 (2) I.P.C. and Section 4 of TN



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Prohibition of Harassment of Women Act, 2002, was registered. It is plain and clear from the allegations made in the First Information Report in both the cases that the allegation made in Cr.No.209 of 2022 are totally false and therefore, this petition is filed for quashing.

3.The learned Government Advocate (Criminal side) submitted that this is a case of case and case in counter on the basis of the complaint given by both the parties First Information Report in Cr.No.209 of 2022 and Cr.No.210 of 2022 came to be registered. Investigation in these cases is pending.

4.Considered the rival submissions and perused the records.

5.It is seen from the First Information Report allegations in Cr.No.209 of 2022 that there is a property dispute between defacto-complainant's father and his paternal uncle's son in respect of common well and common pathway. There is also civil suit is pending. On 23.03.2022 at about 4.30 p.m. when defacto-complainant, his father and his brother were measuring the land for fencing, Krishnaveni, Rani and Jothi had scolded them in a filthy language and prevented them from measuring the property. They had attacked the defacto-



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complainant's father with the use of wooden log. As a result, his father suffered head injury. He was admitted in Government Hospital, Salem. On 24.03.2022, defacto-complainant and his mother were in their house at about 09.30 a.m. Rathinavel, Siva, Gowtham, Selvam and Arun came to their house and scolded his mother in filthy language. Selvam cut his mother and Siva hit his mother with iron rod on her head. Gowtham and Arun hit his mother with iron rod and wooden log. Rathinavel tore his mother's jacket and when defacto-complainant tried to prevent the attack, he was also beaten by the accused. They made criminal intimidation. Therefore, F.I.R. was registered in Cr.No.209 of 2022 for the offences under Section 147, 148, 294 (b), 324, 323 and 506 (2) and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

6.It is also seen from the First Information Report in Cr.No.210 of 2022, on the basis of the complaint given by Rathinavel, First Information Report in Cr.No.210 of 2022 came to be registered against Kannan, Chandra, Pargunam and Kathiresan for the offence under Section 294 (b), 324 and 506 (2) I.P.C. and Section 4 of TN Prohibition of Harassment of Women Act, 2002. It is claimed in the First Information Report that on 23.03.2022 at about 5.30.p.m. Rani, Krishnaveni were attacked by accused in Cr.No.210 of 2022. Again on



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24.03.2022 at about 9.00 a.m. Kannan and Chandra had attacked Rathinavel with iron rod.

7.It is seen from the allegations made in both the First Information Report, there is a dispute between them in connection with common well and pathway. As a result, they indulged in violence against each other and caused hurt to each other. The First Information Report allegations, especially the allegations made in Cr.No.209 of 2022, clearly make out commission of cognizable offences against the accused. The allegations have to be necessarily investigated by the Police to file a final report in this case. Therefore, the prayer for quashment of Crime No.209/2022 on the file of the Inspector of Police, Sooramangalam Police Station, Salem, cannot be entertained.

8.In this view of the matter, this Criminal Original Petition is dismissed.

28.03.2023

Index:Yes/No

Speaking/Non speaking order

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To:-

1. Inspector of Police,
E1, Mylapore Police station,
Chennai.
2. The Public Prosecutor
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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