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Crl.O.P.No.7201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7201 of 2023

and

Crl.M.P.No.4547 of 2023

Murugan

...

Petitioner

VS

1.The State represented by its
The Inspector of Police,
Sevvapet Police Station,
Avadi Commisionarate,
Chennai.

2.Uma Mageshwari

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to quash the FIR in Sevvapet PS Cr.No.101 of 2023 for an offence under Sections 294(b), 323, 324, 354 and 506(ii) IPC pending investigation before the 1st respondent police as null and pass such further or other orders as this Court may deem fit and proper in the circumstances of the above case and thus render justice.

For Petitioners

...

Mr.P.Prince Premkumar

For R-1

...

Mr.Leonard Arul Joseph Selvam



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Government Advocate (crl.side)

ORDER

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2. Learned counsel for the petitioner submitted that, petitioner is an Advocate and allegations against him in the First Information Report are totally false. Infact, petitioner was grievously wounded by the accused. On the basis of the complaint given by the petitioner, First Information Report in Crime No.102 of 2023 was registered for the offences under Sections 147, 294(b), 341, 323 and 506(1) of IPC. Therefore, he prayed for quashment of the First Information Report in Crime No.101 of 2023.

3. In response, learned Government Advocate (Criminal side) submitted that, in the incident concerned in Crime No.101 of 2023, Ganesan suffered grievous injuries. The investigation in this case is pending.



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4. Considered the submissions and perused the records.

5. The First Information Report allegations show that, defacto complainant is a tenant in respect of a house property at No.89, Visalatchi Nagar, Sirukadal Main Road, Thiruvallur District. Her owner asked her to vacate the building. The defacto complainant demanded the advance amount paid by her and then she will vacate the building. One Murugan, claiming himself as an Advocate, came to her and demanded her to vacate the building. She told him that, if the owner returns the advance amount, she would vacate and handover the key. Murugan threatened the defacto complainant to give the key immediately, else, she has to face the consequences. By threatening the defacto complainant, Murugan got the key of the building. When she demanded the advance amount of Rs.5900/-, he scolded her in filthy language. On the date of the incident i.e., on 25.02.2023, when defacto complainant's son and brother demanded advance amount from the accused, he refused to give the money. Thereafter, four persons had attacked her brother with hands and wooden log and broken his hand. Therefore, a complaint was given in that regard.



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6. The copy of the Accident Register produced by the learned Government Advocate (Criminal side) shows that, grievous injury was suffered by Ganesan due to dislocation of his left shoulder. The complaint allegations clearly makes out commission of cognizable offence against the petitioner and other accused in this case. The complaint allegations have to be necessarily investigated by the respondent police. The claim of the learned counsel for the petitioner that there is a counter case pending, on the basis of the complaint given by the petitioner, is not a ground for quashing this complaint, since, complaint allegations makes out commission of cognizable offence by the petitioner and other accused.

7. Therefore, this Court is not inclined to quash the First Information Report in Crime No.101 of 2023. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

05.04.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
gd



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To
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- 1.The Inspector of Police,
Sevvapet Police Station,
Avadi Commisionarate,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

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