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Crl.O.P.No.7427 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7427 of 2023

and

Crl.M.P.No.4725 of 2023

Gokulapriya

... Petitioner

Vs

1. The Inspector of Police,
Vazhapadi Police Station,
Salem.

2. Kavitha

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No. 71 of 2023 dated 14.02.2023 on the file of the respondent and quash the same.

For Petitioner : M/s.R.Poornima

For Respondent : Mr.S.Santhosh (for R1)
Government Advocate (Crl.Side)



Crl.O.P.No.7427 of 2023

ORDER

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This Criminal Original Petition has been filed to call for the records in Crime No. 71 of 2023 dated 14.02.2023 on the file of the respondent and quash the same.

2. It is the submission of the learned counsel for the petitioner that, petitioner is the 4th accused and she is a College Student. On the date and time of the alleged incidents, she was not at the spot and she was returning from the College. He further submitted that, based on the complaint given by the petitioner and others, FIR in Crime No.72 of 2023 was registered as against the defacto complainant and others. Therefore, this petition is filed for quashing the FIR in Crime No.71 of 2023.

3. The learned Government Advocate (Crl. Side) submitted that, in the alleged incident, defacto complainant suffered injuries and to that effect, Accident Register of the defacto complainant is also produced. He further submitted that, investigation in this case is at preliminary stage and prays for dismissal of the petition.



4. Considered the rival submissions and perused the records. It is seen from the complaint allegations that, there is a previous enmity between the defacto complainant's family and Ramamoorthy's family. On 13.02.2023, at about 6.00 p.m., Ramamoorthy tried to remove the boundary stone and also tried to plough the field of the defacto complainant. At that time, defacto complainant's uncle Ramasamy questioned as to why he removed the boundary stones. Ramamoorthy scolded Ramasamy in filthy language and also also kicked him. As a result, Ramasamy suffered injuries and also lost his tooth. When defacto complainant asked Ramamoorthy as to why, he attacked his father-in-law, Ramamoorthy had beaten the defacto complainant on his chest with stone. Ramamoorthy's wife Poongodi had beaten the defacto complainant with her hand. Thereafter, Ramamoorthy's daughter Gokulapriya had scolded the defacto complainant in filthy language and she had also made death threat.

5. The allegations made in the complaint clearly make out commission of cognizable offence by the petitioner and other accused in this case. Therefore, this Court is of the view that allegations made in the FIR have to be investigated by the Investigation Officer. With regard to counter case, this Court is of the view that, counter case is also to be investigated. This Court finds no merits in the petition for quashment of proceedings in FIR in Crime No.71 of 2023.



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6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

06.04.2023

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To,

1. The Inspector of Police,
Vazhapadi Police Station,
Salem.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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