



1 of 4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.26100 of 2022
and Crl.MP.No.16092 of 2022

1.Sankar (M/38 Y)
S/o.Chinna Durai

2.Kavitha (F/28 Y)
W/o.Shankar

.. Petitioners /2nd and 3rd Accused

.Vs.

1.State Rep.by its
The Inspector of Police
Palacode Police Station
Dharmapuri.

.. 1st Respondent/ Complainant

2.Vasantha
W/o.Chinnadurai A.Muthusamy

..2nd Respondent/de facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating incrimine no.181 of 2022, on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.G.Mohammed Aseef

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side)
for R1

ORDER

This criminal original petition has been filed to quash the FIR in Crime No.181



WEB COPY

2. When the matter was taken up for hearing, the learned Government Advocate (Crl.side) submitted that the investigation has been completed and the final report was filed on 10.2.2023, before the Judicial Magistrate, Palacode.

3. This Court wanted to satisfy itself as to whether any offence has been made out against the petitioners (A2 and A3) based on the complaint given by the 2nd respondent.

4. The complaint of the 2nd respondent reads to the effect that A1 and the 2nd respondent seems to be having an existing dispute on a land and it is alleged that A1 used to attack, threaten and verbally abuse the 2nd respondent even in the past. According to the 2nd respondent, it was done at the instigation of the petitioners (A2 and A3). On the date of incident, i.e., on 06.05.2022 at about 5.30 pm., A1 is said to have abused the 2nd respondent and had also attacked her and as a result, the 2nd respondent is said to have sustained bleeding injuries. Even in the complaint, it is stated that the petitioners are living at Hosur and they were not even in the scene of crime.

5. In the light of the above allegations, FIR came to be registered by the 1st respondent against three accused persons for offence u/s.294(b), 323, 506(i) and 34 IPC.



3 of 4

6.Heard Mr.G.Mohammed Aseef, learned counsel for the petitioners and Mr.A.Gopinath, learned Government Advocate (Crl.side) for R1.

7.In the considered view of this Court, even on a careful reading of the complaint, there is nothing against the petitioners and the complaint itself states that the petitioners are living at Hosur and it is A1 who had abused and attacked the 2nd respondent. The petitioners have been unnecessarily arrayed as accused in this case and continuation of the proceedings will only result in abuse of process of law which requires the interference of this Court. In view of the above discussion, the FIR in Crime No.181 of 2022, pending on the file of the 1st respondent is hereby quashed insofar as the petitioners/A2 and A3 are concerned. The 1st respondent shall inform the concerned Court regarding this order and the concerned Court shall proceed further to act upon the final report insofar as A1 is concerned.

8.In the result, this criminal original petition is allowed in the above terms. Consequently, connected Miscellaneous petition is closed.

09.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP



WEB COPY



4 of 4

N. ANAND VENKATESH,, J.
KP

To

1. Judicial Magistrate
Palacode.
- 2.The Inspector of Police
Palacode Police Station, Dharmapuri.
- 3.Public Prosecutor
High Court of Madras.

Crl.O.P No.26100 of 2022
and Crl.MP.No.16092 of 2022

09.08.2023