



WEB COPY

CrI.O.P.No.22538 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.22538 of 2023

and

CrI.M.P. No.15724 of 2023

1.R.Vijayakumar

2.V.Jothi

... Petitioners

-VS-

1.State Rep. by its
The Sub Inspector of Police,
Kullanchavadi Police Station.

2.S.Sivaneshwari

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records to quash the FIR in crime No.182 of 2022 on the file of the respondent police.

For Petitioners : Mr.E.Kandhan

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (CrI.Side)

ORDER

The petitioners herein are the first and second accused in Crime No.182 of 2022 on the file of Kullanchavadi Police Station, Cuddalore. This is a



counter case by these petitioners against Sivaneshwari and others which is registered in a case in Crime No.183 of 2022.

2. The petition to quash the FIR is filed on the ground that there is a civil dispute between the parties and the same is pending in O.S. No.06 of 2021 on the file of the learned District Principal Munsif cum Court, Kurinchipadi. The petitioners have obtained interim injunction, inspite of that the second respondent and her husband trying to interfere from peaceful possession and hence they filed contempt petition. While so, on 13.02.2023, there was an altercation between the parties leading to case and case in counter. Whereas, the allegation against these two petitioners in Crime No.182 of 2022 are false in nature. The FIR indicates that there was abuse and molestation of modesty besides injury with simple in nature. The counter complaint also narrates almost similar facts and similar allegation.

3. The learned Government Advocate (Crl. Side) submits that on completion of investigation final report was filed but not yet taken on file by the Court.

4. This Court on going through the FIR and the final report as well as the



narration of the incident, both the cases against the petitioners as well as the case given by the petitioners are not worth for trial and both the complaints are offshoot of the civil dispute and provocation of one of the relatives who are headed by brothers and sisters. Hence, the petition to quash the complaint in Crime No.182 of 2022 is allowed and also the counter complaint in Crime No.183 of 2023 is also quashed.

5. With the above observation, this Criminal Original Petition is allowed.

Connected Miscellaneous Petition is closed.

06.10.2023

Internet : Yes/No

Index : Yes/No

rkp

To

1.The Sub Inspector of Police,
Kullanchavadi Police Station.

2.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

rkp

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