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Crl.OP.No.27424 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.27424 of 2022 and
Crl.MP.No.16849 of 2022

1.Ilavarasan
2.Panbarasan

... Petitioners

Vs.

1.The State,
Inspector of Police,
Anakkavoor Police Station,
Tiruvannamalai
(Ref.Crime No.145 of 2022)
(cause title as found in the FIR)
2.Vasudevan

... Respondents

PRAYER: Criminal original petition is filed under Section 482 of Cr.P.C. to call for the records and to quash the First Information Report in crime No.145 of 2022 on the file of the Inspector of Police, Anakavoor Police Station, Tiruvannamalai District as against the petitioners for offences under Sections 147, 294(b), 355, 506(1) of IPC, 1860.

For Petitioners : Mr.G.R.Hari

For Respondents



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

For R2 : Mr.K.Ravichandran

ORDER

This Criminal Original Petition has been filed to quash the proceedings in crime No.145 of 2022 on the file of the first respondent as against the petitioners registered for the offences under Sections 147, 294(b), 355 & 506(1) of IPC.

2. The case of the prosecution is that on 13.07.2021 when the second respondent was standing before his house, all the accused persons came there and scolded him with filthy languages. They also attacked him with brick stones. Hence, the complaint. On receipt of the complaint, the first respondent registered FIR in crime No.145 of 2022. On the complaint lodged by the first petitioner herein also, another FIR was registered in crime No.146 of 2022 for the offences punishable under Sections 294(b) and 506(i) of IPC. While pending this petition to quash the FIR, the first respondent filed final report in both the crime Nos., which have been taken cognizance in CC.Nos.160 of 2022 and 228 of 2023.

3. The learned counsel for the petitioners would submit that even



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before this Court on 13.09.2023, the first respondent submitted that no charge sheet was filed in crime No.145 of 2022. This Court specifically observed that final report cannot be filed mechanically in both the cases without identifying the real aggressor in the case. This Court further directed the first respondent to identify the real aggressor and inform this Court. If the aggressor is identified, there is no requirement to file final report in both the FIR's. In the meanwhile, the first respondent completed investigation and filed final report in crime No.145 of 2022 for the offences punishable under Sections 147, 294(b), 355 and 506(i) of IPC. That apart, there was an issue among the neighbours. In fact, the first petitioner/A2 is working in a Post Office at Kancheepuram and the second petitioner / A4 is a college going student. The second respondent is working as a faculty in Mechanical Engineering Department in Anna University, Guindy. The first accused is working as a warden in Adidravida Students Welfare Hostel in Government Arts College, Cheyyar. All the family members have been roped into this Case.

4. Per contra, the learned counsel for the second respondent would submit that there are specific allegations as against each accused and as such the entire proceedings cannot be quashed. That apart, now the first respondent completed investigation and filed final report. Therefore, the prayer sought for



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in this petition has become infructuous.

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5. The learned Government Advocate(crl.side) appearing for the first respondent submitted that the first respondent found that both the parties are aggressors and as such they filed final report in both the cases. On that ground, the entire proceedings cannot be quashed and this Court may direct the trial court for simultaneous trial in both the cases and to deliver judgment one after another.

6. Heard, the learned counsel appearing on either side.

7. Admittedly, there is a previous enmity between both the family members with regards to drainage, due to which they often quarreled among them. On 13.07.2021, there was a wordy quarrel between both the family members, in which both lodged complaint. However, no FIR was registered. Further, the complaint was lodged on 14.07.2021 for the occurrence took place on 13.07.2021. There was no reason for the belated complaint. That apart, all the allegations are trivial in nature. The occurrence happened due to drainage issue. Though the first respondent filed final report while this petition to quash FIR is pending, this Court can entertain the quash petition where for the



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offences alleged to have been committed by the accused prima facie case is not

made out from the charge sheet and other documents. It is settled principle of law that this Court can exercise jurisdiction under Section 482 of Cr.P.C. even after the charge sheet laid for the quashment of FIR. The abuse of process caused by registration of FIR stands aggravated if the FIR has taken the form of charge sheet after investigation. Power is undoubtedly conferred to prevent the abuse of process of law of any court. That apart, as stated supra, the entire allegations are trivial in nature and no injuries sustained by the defacto complainant / second respondent. That apart, on the complaint lodged by the first petitioner herein, another FIR has been registered in crime No.146 of 2022 for the offences under Section 294(b) and 506(i) of IPC. Though the first respondent found both the parties are aggressors and filed final report, in order to meet the ends of justice, both the proceedings are liable to be quashed.

8. In view of the above, the entire proceedings in CC.Nos.160 of 2022 and 228 of 2023 on the file of the Judicial Magistrate, Cheyyar pursuant to FIR in crime No.145 of 2022 and crime No. 146 of 2022 are quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.



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Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order
lok

To

1. The learned Judicial Magistrate,
Cheyyar



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2. Inspector of Police,
Anakkavoor Police Station,
Tiruvannamalai
3. The Government Advocate,
High Court of Madras

G.K.ILANTHIRAIYAN, J.

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