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Crl.O.P.No.31062 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.03.2023

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31062 of 2022

and

Crl.M.P.No.18985 of 2022

E.Baskaran

...Petitioner

Vs.

1. The Inspector of Police,
K-1, Sembium Police Station,
Chennai-600011.
Crime No.516 of 2022.

2. Santhanalakshmi @ Deepa

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.516 of 2022 on the file of the 1st Respondent.

For Petitioner	: Mr.P.Sureshbabu
For R1	: Mr.Leonard Arul Joseph Selvam
	Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed calling for the records in Crime No.516 of 2022 on the file of the first respondent and to quash the same.



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2. The learned counsel for the petitioner submitted that the second respondent is the wife of the petitioner. There was a matrimonial dispute between them and they are living separately from 2019. The petitioner filed H.M.O.P.No.146 of 2022, on the file of the First Additional Family Court, Chennai, for restitution of Conjugal rights. Later, the petition was not pressed. The FIR allegations are exaggerated and given only to harass the petitioner. Thus, he prayed for quashing the FIR.

3. In response, the learned Government Advocate (Crl.Side) submitted that in an incident, the second respondent was brutally attacked by the petitioner and as a result, she suffered grievous injuries. In support of his submission, he had produced a copy of Accident Register for perusal of this Court.

4. Considered the rival submissions and perused the records.

5. The FIR allegation show that the petitioner had ill-treated and beaten the second respondent suspecting her fertility. At about 10.30 a.m, on 25.07.2022, the petitioner came to the house and scolded the second respondent in filthy language



and strangled her. Then, he smashed her head with Kadappa stone in the kitchen. As a result, she suffered bleeding injuries. With the help of the persons nearby, she was taken to the hospital and got treatment as in-patient at Government Hospital, Periyar Nagar. Thereafter, the complaint was recorded from her in the hospital by the respondent Police and the FIR was registered.

6. The FIR allegations clearly make out commission of cognizable offences against the second respondent. The copy of the Accident Register produced by the learned Government Advocate (Crl.Side) shows that the second respondent suffered the following injuries.

“ Alleged assault by husband at her residence (Periyar Nagar, Vyasarbadi) on 25.07.2022 at around 10 a.m and sustained injury to face and knee.

Admitted at Periyar Nagar General Hospital and diagnosed as Assault/Displaced left Nasal Bone fracture/right knee contusion.

Now present with pain in right knee, swelling in right knee, difficulty using right knee and nausea on and off for two months. Vomiting for three months.

She had displaced left nasal bone fracture and right knee contusion.”

The Doctor opined that the injuries are grievous in nature.



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7. In the light of the submissions made and the materials available, this Court is of the view that the allegations made in the FIR against the petitioner are required to be investigated by the respondent Police, to file appropriate final report.

8. Therefore, this Court finds no merits in this petition to quash the First Information Report. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

13.03.2023

mn

Index: Yes/No

Speaking Order: Yes/No

To

1. The Inspector of Police,
K-1, Sembium Police Station,
Chennai-600011.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

mn

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