

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.03.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.4981 of 2020
and
Crl.M.P.(MD)No.2875 of 2020

1.Sakinthar

2.Samaya Kumar

3.Sibi

4.Jeyasurya ... Petitioners / Accused Nos.1 to 4

Vs.

1. The State rep. by

The Inspector of Police,
All Women Police Station,
Thiruvadanai,

Ramanathapuram District. ... 1st Respondent/Complainant

2.Kamshini ... 2nd Respondent/defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to Crime No.6 of 2019, dated 21.09.2019, on the file of the first respondent herein and to quash the same.

For Petitioners : Mr.PR.Boomee Rajan

For Respondents : Mr.M.Sakthikumar
Government Advocate (Crl.Side) for R1

: Mr.G.Kasinathadurai for R2

ORDER

This petition is filed to quash the F.I.R in Crime No.6 of 2019, dated 21.09.2019, on the file of the first respondent police.

2. The case against the petitioners is that on 03.09.2019, the petitioners wrongfully restrained the defacto complainant and they threatened the defacto complainant and abused her in filthy language and they demanded her cell phone number. On the next day, similar offence was committed by the petitioners. A case in Crime No. 6 of 2019, dated 21.09.2019 was registered by the first respondent police for an offence under Sections 341, 294(b), 506(ii) of I.P.C.

3. On the side of the petitioners, it is stated that the defacto complainant submit a complaint before the Thirupalaikudi Police Station, they refused to receive the complaint and the complainant gave the same false complaint before the first respondent police. Without a proper investigation, the present case was registered. There were already two previous cases are pending between the petitioner and the defacto complainant in Crime Nos.124 of 2019 and 125 of 2019 and both the cases are pending before the Thirupalaikudi Police Station and hence this F.I.R in Crime No.6 of 2019 is to be quashed.

4. On the side of the prosecution, it is stated that the case in Crime No.6 of 2019 is prior to the cases in Crime Nos.124 of 2019 and 125 of 2019, when the defacto complainant's daughter was attending a Tailoring class, the petitioners used to restrain her and they used to ask her cell phone number. When she refused to give phone number, they abused her and teased her. The next day, they tried to dashed a two wheeler against the defacto complainant's daughter and hence, he lodged the complaint. The cases in Crime No.124 of 2019 and 125 of 2019 were subsequent to this F.I.R. Investigation was already over in Crime No.6 of 2019 and charge sheet was filed and the same was taken on file as C.C.No.126 of 2022, before the Judicial Magistrate, Thiruvadanai and the case is in the summon stage.

5. A perusal of the records reveals that the time of occurrence mentioned in Crime No.124 of 2019, is on 19.08.2019, at 15:00 hours, the date of occurrence in Crime No.125 of 2019, is on 19.08.2019, at 16:45 hours and the date of occurrence mentioned in Crime 06.2019, is on 03.09.2019. The nature of offence mentioned in the petitions are different. Except that there are two more cases are pending between the same parties, no specific point was raised by the petitioners,

for quashing this petition. Pendency of other cases is not a ground to quash the F.I.R. The allegations in this F.I.R requires the trial.

6. Hence, this Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
Ls

29.03.2023

To

1. The Inspector of Police,
All Women Police Station,
Thiruvadanai,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.4981 of 2020

R.THARANI. J.

Ls

Crl.O.P.(MD)No.4981 of 2020

29.03.2023