



Crl.O.P.(MD)No.4999 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.4999 of 2020

and

Crl.M.P.(MD).No.2882 of 2020

Vaideki @ Vaitheki

... Petitioner/Sole Accused

Vs.

1.State Represented by
The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
(Crime No.112 of 2019)

... 1st Respondent/Complainant

2.Selvam

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to the impugned FIR in Crime No.112 of 2019 on the file of the 1st Respondent Police and quash the same as illegal.

For Petitioner : Mr.T.Veerakumar

For R-1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

For R-2 : No appearance



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ORDER

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The petitioner seeks quashing of the FIR in Crime No.112 of 2019 registered for the offences under Section 294(b) and 506(i) IPC based on the complaint lodged by the defacto complainant.

2. It is alleged in the FIR that the petitioner is having illegal relationship with the son-in-law of the defacto complainant one Selvam. He had received a phone call in which the caller had threatened the defacto complainant of dire consequences. Thereafter, when the defacto complainant met the petitioner, the petitioner is alleged to have told the defacto complainant that the call was made at her instance and therefore, the defacto complainant was forced to give the complaint. Though the defacto complainant was served, there is no representation for him.

3. The learned counsel for the petitioner submitted that the allegations in the impugned FIR is highly improbable. The date of the alleged phone call has not been stated in the FIR. Further, even according to the FIR, the petitioner had not made the call. The defacto complainant had vaguely stated that when he met the petitioner, she had told him that the said call was made at her



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instance. This allegation is highly improbable and the defacto complainant is seeking to victimize the petitioner thinking that she is having illegal relationship with his son-in-law.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that the conversation was recorded and the recorded conversation has been produced to the Investigating Officer in the form of CD. The learned Additional Public Prosecutor further submitted that the matter is under investigation and since it is at the stage of FIR, the respondent Police would conduct the investigation in a fair manner and if the complaint is found to be false, they would file a negative final report.

5. Though this Court finds force in the submissions made by the learned counsel for the petitioner, since it is at the stage of investigation, this Court leaves it open to the first respondent to conduct the investigation in a fair and expeditious manner based on the evidence collected and file a final report at the earliest and in any event within a period of eight (8) weeks from the date of receipt of a copy of this order.



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6. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition stands closed.

03.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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and
CrI.M.P.(MD).No.2882 of 2020**

03.02.2023