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CrI.O.P.(MD)No.6667 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD) No.6667 of 2023

and

CrI.M.P(MD) No.5787 of 2023

1. Uma Gowri

2. Pavithran

... Petitioners / Accused 1 & 2

Vs.

1.The State represented by
The Inspector of Police,
Sellur Police Station,
Madurai city.
(Crime No.238 of 2023)

... 1st Respondent/Complainant

2. Saranya

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of First Information Report in Crime No. 238 of 2023 dated 04.03.2023 on the file of the 1st respondent/complainant and quash the same.

For Petitioner : Mr.A.Jeyaram

For R1 : Mr.B.Nambiselvan
Additional Public Prosecutor



ORDER

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This petition has been filed seeking to quash the impugned FIR in Crime No.238 of 2023 on the file of the 1st respondent police.

2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.238 of 2023 for the offences punishable under Sections 294(b), 324, 506(i) of IPC against the petitioners.

3.The learned counsel for the petitioner would further submitted that only these petitioners have sustained injuries and the counter party having injury only due to fall during the scuffle. The complaint that was given by the petitioners is not properly enquired and regarding the same, no action has been taken so far.

4. The learned Additional Public Prosecutor would submit that no such complaint has been received by the first respondent.

5. Further, the learned counsel for the petitioner would submit that the first complaint has been given in person. Later the same complaint was sent through RPID to the Commissioner of Police, Madurai, that was



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later forwarded to the Inspector of Police, Sellur Police Station, for enquiry and the enquiry officer also enquired the same.

6. Since it is the case and counter case, quashment of one of the complaint is not permissible under law. The first respondent is directed to investigate both the matters jointly. If the petitioner is aggrieved by the outcome of the investigation process in both the matters, he is at liberty to workout his remedy through appropriate proceedings, since there is allegation of causing injury, so also is the counter complaint.

7. With the above said direction and liberty, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

12.04.20223

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

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G.ILANGOVAN. J.

Indu

To

- 1.The Inspector of Police,
Sellur Police Station,
Madurai city.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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