



Crl.O.P.(MD)No.15484 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.15484 of 2020
and
Crl.M.P.(MD)No.7543 of 2020

Chandrasekar

... Petitioner

Vs.

1.State rep by
The Sub Inspector of Police,
Thuraiyur Police Station,
Trichy District.
In Crime No.990 of 2020

2.Moorthy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the Cr.No.990 of 2020 on the file of the first respondent police, quash the same insofar as the petitioner alone.

For Petitioner : Mr.D.Anbarasu

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor



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For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the first information report in Cr.No.990 of 2020 on the file of the first respondent police as against the petitioner.

2.According to the petitioner, based on the complaint given by the second respondent, the first respondent registered FIR in Cr.No.990 of 2020 for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 4 of TNPHW Act, 2002. The petitioner herein is arrayed as A2 in this case. In fact, the petitioner is working as Teacher at Government Higher Secondary School, Sobanapuram. On the date of occurrence he was working in the School. As per prosecution case, on the date of occurrence, on 31.08.2020, at about 11.00 am., when the defacto complainant and family members were in their house, the accused along with others came there with deadly weapons and abused them in obscene words and assaulted them and thereby, they sustained



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injuries. Hence, the defacto complainant gave a complaint. There is a civil dispute pending between the parties and thereby, due to that previous enmity, the second respondent with an ulterior motive, gave a false complaint. In order to wreck vengeance to civil dispute and taking advantage that the petitioner is working as Teacher in Government Higher Secondary School, the second respondent filed the present false complaint and the same is clear abuse of process of law. The petitioner has already sent a representation to the Superintendent of Police and the Inspector of Police by stating that he was not present in the place of occurrence on the date of alleged occurrence and he was in School and attendance register was also sent. However, the above said representation has not been considered by the Inspector of Police. Therefore, the above said FIR is abuse of process of law and the same is liable to be quashed.

3.No counter was filed by the respondents and there is no representation for the second respondent.

4.The learned counsel appearing for the petitioner would contend



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that the petitioner is working as Teacher in the Government Higher Secondary School. Due to previous enmity with regard to the civil dispute, the second respondent has given a false complaint and based on the same, the first respondent registered FIR in Cr.No.990 of 2020 for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 4 of TNPHW Act, 2002. On the date of occurrence, the petitioner was not present and he was in the School, to that effect, he also filed attendance register before the Inspector of Police. But the same has not been considered. Thereby, the pending FIR is liable to be quashed.

5.The learned Additional Public Prosecutor appearing for the first respondent would contend that based on the complaint given by the second respondent, the first respondent registered FIR in Cr.No.990 of 2020 for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 4 of TNPHW Act, 2002. After registration of FIR, the first respondent conducted investigation and as per investigation, the petitioner was also present in the place of occurrence. That apart, now charge sheet is also ready and yet to be filed and hence, at this stage, this petition is liable to be dismissed.



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WEB COPY 6.Heard both sides and perused the materials available in the records.

7.On perusal of records, it is observed that the second respondent had given a complaint and based on the same, the first respondent registered FIR in Cr.No.990 of 2020 for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 4 of TNPHW Act, 2002 and as per submission of the learned Additional Public Prosecutor charge sheet was ready on 18.07.2022. But as per records, no charge sheet was taken on file by the concerned Judicial Magistrate.

8.According to the petitioner, he is working as Teacher in Government Higher Secondary School and already there is civil dispute pending between the parties and due to that motive, in order to wreck vengeance, the present complaint has been lodged. On the date of alleged occurrence, the petitioner was in the School and he also produced attendance register to that effect. However, the investigating officer, while investigating the case, came to the conclusion that the petitioner



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was present at the place of occurrence. Already the petitioner has given representation before the first respondent stating that he was not present at the place of occurrence and he was in the School on the date of occurrence. The first respondent has not considered the representation of the petitioner.

9.On perusal of attendance register it reveals that the petitioner was present in the School on the date of occurrence. The complaint was lodged as if the petitioner was also participated in the occurrence. Though the stand taken by the petitioner is to be taken as defence, on the face of records it shows that the complaint has been lodged due to the civil dispute. In FIR itself it is stated that there is civil dispute pending between the parties. On careful perusal of the averments in the complaint shows that due to previous enmity only, the complaint was given as against 25 persons. Further, this petitioner was arrayed as A1 and as per FIR, the petitioner only assaulted the defacto complainant. But, the petitioner has produced attendance register, which is maintained by the Government Office and the Headmaster also attested in the attendance register. On careful perusal of FIR, reveals that due to civil



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dispute pending between the parties, the complaint has been lodged and thereby, it is appropriate to quash the proceedings as against this petitioner. Accordingly, this criminal original petition is allowed and FIR in Cr.No.990 of 2020 pending on the file of the first respondent police is hereby quashed as against the petitioner alone. Consequently, connected miscellaneous petition is closed.

22.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Sub Inspector of Police,
Thuraiyur Police Station,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

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