



Crl.O.P.(MD) No.18618 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.18618 of 2023

and

Crl.M.P(MD)No.14687 of 2023

Byrose

...Petitioners / Sole Accused

Vs.

1.The State Rep. through,
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(In Crime No.140 of 2023)

...1st Respondent / Complainant

2.Sivakumar

...2nd Respondents / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records pertaining to the case in Crime No.140 of 2023 dated 13.07.2023 on the file of the Kadayanallur Police Station, Tenkasi District and quash the same as illegal as against the petitioner alone.

For Petitioner	:Mr.T.Indrachithu
For Respondent	:Mr.R.M.Anbunithi
	Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to call for records pertaining to the case in Crime No.140 of 2023 dated 13.07.2023 on the file of the Kadayanallur Police Station, Tenkasi District and quash the same as illegal as against the petitioner alone.

2. Learned counsel for the petitioner submitted that when the defacto complainant put up a CCTV camera facing the house of this petitioner and captured images of her daughter, making frequent trouble, she has given a complaint which is also registered in C.S.R.No.822 of 2022. During the course of enquiry, the defacto complainant accepted to replace CCTV camera. On the basis of the undertaking given by him, the case was closed without registering FIR. Later a false complaint has been given against the petitioner and FIR has been registered. Seeking quashment of the same, this petition came to be registered.

3. Heard both sides.



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4. Whether the said complaint is a false one or not is a matter for consideration, by the trial Court, which cannot be decided by this Court. Perusal of the CD file shows that most part of the investigation has been over and spot visit also made by the investigation officer. During the course of investigation it is found that the petitioner has caused damage to the CCTV camera. When prima facie materials are available and collected during the course of investigation against the petitioner, there is no scope for quashment of FIR. Let the investigation be completed and final report will be filed, within a period of one month from the date of receipt of a copy of this order. If the petitioner is aggrieved over the contents of the final report to be filed, she can work out the remedy through appropriate proceedings.

5. With this direction and liberty, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

17.10.2023

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



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G.ILANGO VAN. J.

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To

- 1.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(In Crime No.140 of 2023)

- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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