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Crl. O.P. No. 2861 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl. O.P. No. 2861 of 2024

and

Crl.MP.No.2048 of 2024

1. P.Radha

2. Ramesh Prabu

... Petitioners

Vs.

1. The Inspector of Police,
Vaduvur Police Station,
Thiruvarur District.

2. G.Vijayalakshmi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the case in Cr.No.348 of 2023 on the file of 1st respondent Vaduvur Police Station, Thiruvarur District and quash the same.

For Petitioners : Mr. V.Sivalingam

For Respondents : Mr. S. Udaya Kumar,
Government Advocate (Crl.Side)
for R1
: Mr.K.Pragadeesh Kumar for R2



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ORDER

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This Criminal Original Petition is filed to quash the FIR in Cr.No.348 of 2023 registered by the first respondent police on 05.08.2023 in connection with alleged incident occurred on 28.07.2023.

2. The learned counsel appearing for the petitioner submits that there is a dispute between the family members of Shankar and Ramesh Babu. Earlier on 02.08.2022, both quarrelled with each other and the respondent police registered the complaint in C.S.R.Nos.281 and 282 of 2022 respectively. Later, the same were closed. Again, there was fight between them on 23.07.2023. In this connection, the petitioner gave the complaint against Vijayalakshmi and others. The respondent police had not registered the complaint contrarily and they have registered the complaint given by Vijayalakshmi reporting incident belatedly. The learned counsel also submitted that regarding the property, there is civil suit is pending, but the second respondent is trying to give criminal colour to the dispute.



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3. The learned Government Advocate(Crl.Side) appearing for the respondent on getting instructions from the Investigating Officer submits that the fight between the two families is in-respect of a property but however, having information received about commission of a cognizable offence, they have registered the case for the offence under Sections 294(b), 324, 506(ii) IPC and Section 4 of Prohibition of Harassment of women Act, 2002 and the same is under investigation. As far as earlier complaints are concerned, they were enquired and closed as civil dispute. Whereas in this case, since the injury alleged to have been caused with iron rod been supported by medical evidence, the respondent police has taken up the complaint and investigating the same.

4. This Court on perusing the records and hearing the submissions of the counsel find that it is a case where *prima facie* material available to registered the case and investigate. The injuries sustained by the defacto complainant cannot be ignored, just because the parties are fighting with a civil dispute regarding the property. Hence, the Petition to quash the FIR stands dismissed.



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5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected miscellaneous petition is closed.

15.07.2024

Vv

To

1. The Inspector of Police,
Vaduvur Police Station,
Thiruvarur District.

2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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