



Crl.O.P.No.8116 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8116 of 2022

and

Crl.M.P.No.4728 of 2022

1. R.N.Karthikeyan
2. S.K.Sundara Rajan

... Petitioners

Versus

1. State rep. by
The Inspector of Police,
V3, JJ Nagar Police Station,
Mogappair, Chennai.
(Crime No.1282 of 2021)

2. R.Sriram

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the F.I.R. in Crime No.1282 of 2021 pending investigation on the file of the Inspector of Police, V-3, JJ Nagar Police Station, Chennai-37.



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For Petitioners : Mr.C.D.Johnson
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1
R2 – Service awaited

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.1282 of 2021 on the file of 1st respondent police.

2. Heard both sides.

3. The petitioners are ranked as accused 1 and 2 in the F.I.R. in Crime No.1282 of 2021 registered for an offence under Sec.294(b), 323, 324 and 506 (1) of I.P.C. based on the complaint given by the 2nd respondent/defacto complainant. Now, the petitioners have filed this petition praying to quash the proceedings in F.I.R. stating that they are no way connected with the alleged occurrence.



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4. The learned counsel for Petitioners would submit that there was some misunderstanding between themselves and the 2nd respondent/defacto complainant with regard to a pet animal. Aggrieved over the same, he gave a false complaint without any prima facie materials and basic ingredients. Hence, he prayed to quash the proceedings in F.I.R. initiated against them.

5. By way of reply, the learned Government Advocate (Criminal side) appearing for 1st respondent would submit that there was a case in counter and earlier the petitioners have lodged a complaint in Crime No.1281 of 2021. Hence, he raised strong objections.

6. Considering both side submissions and the fact that the 2nd respondent/defacto complainant used to have wordy quarrel on the date of alleged occurrence as they are neighbours and a misunderstanding was arisen with regard to pet animals brought by them in their apartment. Admittedly, both parties are neighbours and the 1st petitioner is an



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advocate by profession and the 2nd petitioner is Secretary of Diamond Flats Owners Association as well as he is father-in-law of 1st petitioner. Moreover, the 2nd respondent/defacto complainant owns a dog (Labrador) in his flat, due to which, there was a misunderstanding arisen between them and there is no basic materials to show that on that day, there was a wordy quarrel arose between parties. Hence, the proceedings initiated against them is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against them in F.I.R. in Crime No.1282 of 2021 is quashed. Consequently, connected Criminal Miscellaneous Petition is closed.

30.01.2024

Index: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
V3, JJ Nagar Police Station,
Mogappair, Chennai.

2. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI, J.

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