



Crl. O.P. No. 8048 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl. O.P. No. 8048 of 2024

and

Crl. M.P. Nos. 5866 & 5868 of 2024

1.Perumal

2.Guna

... Petitioner

Vs.

1.State rep., by

The Sub Inspector of Police,
F5, Choolaimedu Police Station,
Chennai – 600 094.

2.D. Rajan Babu

... Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.4003 of 2022 on the file of XVII Metropolitan Magistrate's Court, Saidapet, Chennai and quash the same.

For Petitioners : Mr. A.E. Ravichandran

For Respondents : Mr. K.M.D. Muhilan, for R1
Government Advocate (Crl. Side)



WEB COPY



Crl. O.P. No. 8048 of 2024

ORDER

The Criminal Original Petition is filed to quash the complaint which has culminated in filing final report and taken cognizance in C.C.No.4003 of 2022 on the file of XVII, Metropolitan Magistrate's Court, Saidapet, Chennai.

2. Learned counsel for the petitioners submit that there is a fight between the father and son. Already civil suit is pending. To give a criminal colour, a complaint has been given as if son and daughter-in-law joined together and assaulted the father, whereas the defacto complainant / father had barged into the portion of the son and attacked his daughter-in-law. The complaint is already been given against the defacto complainant and the investigation in that complaint is not yet completed, whereas in the case against the petitioners, the respondent police has completed the investigation and filed final report which is contrary to the procedure contemplated under Section 566 (ii) of the Police Standing Order.



CrI. O.P. No. 8048 of 2024

WEB COPY

3. Learned Government Advocate appearing for the first respondent submits that the complaint given by the petitioner herein against his father is also under advanced stage of investigation and final report will be filed soon.

4. The plea raised by the learned counsel for the petitioners are all factual in nature and it has to be tested during the trial and therefore, this Court is not inclined to entertain the quash petition.

5. Hence, the Criminal Original Petition is dismissed with a direction to the trial Court to expedite the trial and complete it, within a reasonable time. Consequently, connected miscellaneous petitions are closed.

6. Learned counsel for the petitioners also made a request that the personal appearance of the petitioners may be dispensed with. In this regard, the trial Court shall consider the petition to dispense with personal appearance and grant exemption unless and until their physical presence is



Crl. O.P. No. 8048 of 2024

required. The respondent police is also directed to complete the investigation in the complaint given by the petitioners herein and file a final report within a period of one month from the date of receipt of copy of this order.

02.04.2024

Index : Yes/No

Neutral Citation : Yes/No

AT

To

The Sub Inspector of Police,
F5, Choolaimedu Police Station,
Chennai – 600 094.



WEB COPY



Crl. O.P. No. 8048 of 2024

Dr.G.JAYACHANDRAN, J.

AT

Crl. O.P. No. 8048 of 2024 and
Crl. M.P. Nos. 5866 & 5868 of 2024

02.04.2024