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Crl.O.P.No.9206 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.9206 of 2024

and

Crl.M.P.No.6470 of 2024

Sivaranjini

... Petitioner

Vs.

1.State by
The Inspector of Police,
Morappur Police Station,
Dharmapuri District.
Crime No.44 of 2024.

2.M.Arul
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records relating to the First Information Report registered in Crime No.44 of 2024 on the file of the Inspector of Police, Morappur Police Station, Dharmapuri District/first respondent herein and quash the same.

For Petitioner : Mr.C.Munusamy

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



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ORDER

This Criminal Original Petition is filed to quash the complaint in Crime No.44 of 2024 dated 03.03.2024 on the ground that reading of the complaint does not make out any offence under Sections 451 and 307 IPC as against the petitioner, who is none other than the wife of the defacto complainant.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police states that even according to the complaint, the first two accused had tried to trespass into the house during night hours and attacked the defacto complainant with wooden log. He suspects that his wife has engaged first two accused to attack him. Based on that, the police is investigating the matter. While so, the wife of the complainant is before this Court to quash the complaint on the ground that the alleged offence does not attract as per the complaint.

3. First Information Report is not an encyclopedia of crime. The complaint clearly indicates that though the overt act is only by A1 and A2, the complainant suspects that they have done the said crime on the instigation of the A3, who is the petitioner herein. The police has to



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investigate the case to find out whether the said suspicion is true or not that can be ascertained only if the police allowed to investigate the matter in fair manner. The petitioner cannot claim innocence and torpedo of the investigation by approaching the High Court by filing petition under Section 482 of Cr.P.C., to quash. Only on completion of investigation and filing of final report whether any cognizable offence is made out against the petitioner or not could be ascertained. Hence this Criminal Original Petition is dismissed as devoid of merits. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

16.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
Morappur Police Station,
Dharmapuri District.

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

Dr.G.JAYACHANDRAN,J.

rpl



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