



WEB COPY



CrI.O.P.No.15953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

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

CrI.O.P.No.15953 of 2024

and

CrI.M.P.No.9736 of 2024

B.Parameswari

... Petitioner

Vs.

1.The State Rep.by
The Station House Officer,
Bahour Police Station,
North Street, Bahour,
Puducherry U.T.-607402.

2.S.Niranjan

3.K.Siva (Police Constable-2649),
Working as Police Constable @
Bahour Police Station,
Bahour, Puducherry-607402.
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the entire records in connection with FIR No.34 of 2024 dated 24.03.2024 registered by the 3rd respondent against the petitioner for the offences under Sections 294(b), 323 & 506(ii) IPC on the file of the Bahour Police Station, Puducherry and quash the same.

For Petitioner : Mr.P.PArthiban

For R1 : Mr.K.S.Mohan Dass
Public Prosecutor (Pondy)



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ORDER

This Criminal Original Petition is filed to quash the Crime No.34 of 2024 dated 24.03.2024 registered by the 3rd respondent against the petitioner for the offence under Sections 294(b), 323 & 506(ii) IPC .

2. The learned counsel appearing for the petitioner submits that the FIR registered against the petitioner is not sustainable under law, since it was registered by a police constable who is neither a Station House Officer nor competent to be in charge of Station House Officer as per Section 154 Cr.P.C., Further, he contended that two persons who came to the hotel in drunken state picked quarreled and attacked the petitioner and others, for which, the police failed to take cognizance of the complaint initially and thereafter, case has been registered in Crime No.35 of 2024. While so, the complaint against the petitioner been registered on 24.03.2024 at 10.30 a.m., by a person who is not competent to register the complaint.

3. The learned Public Prosecutor (Puducherry) appearing for the respondent police submits that written complaint addressed to the Sub Inspector of Police been registered in Crime No.34 of 2024 dated



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24.03.2024 and taken up for investigation. On completion of investigation final report filed on 29.5.2024 before the Judicial Magistrate.

4. The contention of the learned counsel for the petitioner herein is that the complainant is the aggressor and the complaint given by the petitioner herein not taken up immediately cannot be countenance, since the complainant in Crime No.34 of 2024 has sustained injury and now the final report for the offence under Sections 324 IPC along with 294(b) & 506(ii) IPC filed. Medical report collected indicates that the petitioner had caused hurt. Even otherwise, the complaint given by the petitioner has already been registered and under investigation.

5. It is for the police to complete the investigation as per the evidence collected by them. The reason that the complaint in Crime No.34 of 2024 registered by incompetent person does not appears to be correct, since the copy of the complaint forwarded to the Judicial Magistrate contains the seal and signature of the Sub Inspector of Police,

Dr.G.JAYACHANDRAN,J.

rpl



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Bahour police station. Even otherwise, since the investigation is completed and filed final report, any irregularity in registration of FIR will not vitiate the proceedings.

6. With this observation, this Criminal Original Petition is disposed of accordingly. Consequently, the connected Criminal Miscellaneous Petition is closed.

08.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Station House Officer,
Bahour Police Station,
North Street, Bahour,
Puducherry U.T.-607402.

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

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