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Crl.O.P.No.25298 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25298 of 2022

and

Crl.M.P.No.15745 of 2022

Mohammed Ali

... Petitioner

Vs.

1.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai. (Crime No.319 of 2022)

2.Irfana Nasreen

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records connected with the FIR in Crime No.319 of 2022, dated 01.09.2022, on the file of the 1st respondent and to quash the same.

For Petitioner : Mr.T.ShanmugaBoopathi

For R1 : Mr.S.Vinoth Kumar
Govt. Advocate (Crl.Side)

For R2 : Mr.N.Mohideen Basha

O R D E R

The petitioner has filed this petition to quash the FIR in Crime No.319 of 2022 pending investigation on the file of the 1st respondent, for the offences under Sections 448, 384, 323, 352 of IPC, as against the petitioner.



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2. The case of the prosecution is that on 10.05.2022, the petitioner trespassed in the house of the defacto complainant along with some rowdy elements and thereby caused nuisance against her mother by name Syed Meeran Beevi and he snatched the house Key from her. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected to the alleged offence made by the complainant. Hence, he prays to quash the FIR.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that based on the complaint lodged by the defacto complainant, the case was registered in Crime No.319 of 2022 by the 1st respondent police for the alleged offences under Section 448, 384, 323, 352 of IPC. Subsequently, the petitioner also filed a counter blast complaint against the defacto complainant in Crime No.317 of 2022. Already there was a matrimonial dispute among the petitioner's son and the defacto complainant, therefore, she gave a complaint against the petitioner.



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5. On a perusal of the records, it reveals that due to matrimonial dispute between the petitioner's son and the 2nd respondent, already DVC is pending before the learned Additional Mahila Judge, Madurai. In order to harass the petitioner, the 2nd respondent has filed this petition and also considering the age of the petitioner, this Court is inclined to quash the proceeding of the FIR in Crime No.319 of 2022, on the file of the 1st respondent.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

02.02.2024

Index: Yes/ No
Neutral Citation: Yes/No

rri

T.V.THAMILSELVI, J.

rri

To



Crl.O.P.No.25298 of 2022

1. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras.

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and
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