



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM:

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

CRL.OP No. 28293 of 2022 &

- 1 K.DAMODARAN
S/O.KANNAPPA REDDY PALLA STREET
DOMBARAMBEDU VILLAGE UTHUKOTTAI POST AND
TALUK THIRUVALLUR DISTRICT.
- 2 D.ROOPAVATHI
W/O.K.DAMODARAN PALLA STREET DOMBARAMBEDU
VILLAGE UTHUKOTTAI POST AND TALUK
THIRUVALLUR DISTRICT.
- 3 D.MANIGANDAN
S/O.K.DAMODARAN OLD NO.51 NEW NO.115 V.M.
STREET ROYAPETTAH CHENNAI - 600 014.

...Petitioners

Vs.

- 1 THE STATE OF TAMIL NADU
THE INSPECTOR OF POLICE UTHUKOTTAI POLICE
STATION UTHUKOTTAI THIRUVALLUR DISTRICT.
- 2 S.PUSHPA
W/O.A.SELVAM NO.70 SURARSANAM STREET
UTHUKOTTAI POST AND TALUK THIRUVALLUR
DISTRICT.



...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for records in complaint dated 05.01.2022 filed by 2nd respondent and registered as FIR No.08 of 2022 Dated 06.01.2022 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.S.Swaminathan
For R1 : Mr. S.Vinoth Kumar,
Government Advocate Criminal side
For R2 : Mr.A.Sathish

ORDER

The petitioner herein filed this petition to call for records in complaint dated 05.01.2022 filed by 2nd respondent and registered as FIR No.08 of 2022 Dated 06.01.2022 on the file of the 1st respondent and quash the same.

2. The case of the prosecution is that on 05.01.2022, at 17.30 p.m., the petitioners were way laid the defacto complainant abused and assaulted her. Further, they threatened her with dire consequences. Hence, the complaint lodged by the defacto complainant before the respondent police and the FIR was filed in crime No. 8 of 2022 under Section 294(b), 323, 341 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of harassment of Women Act, 2002.



3. The learned counsel for the petitioners submit that the petitioners' family own a extent of 0.40 cents of agricultural land under S.No. 357/11 situated at Dombramedu Village, Uthukottai Taluk, Thiruvallur District which is their sole source of livelihood and said property is joint family property patta stands in the name of the first petitioner as head of family under Patta No. 193. Further, the first petitioner is physically challenged person who is aged about 71 years and inflicted with total hearing and visual impairment. Taking advantage of his disability son-in-law of the first and second petitioners clandestinely induced him to execute the sale deed in favour of third parties in respect of 0.30 cents in the above said property and misappropriated the sale consideration of Rs.11,05,500/-. Aggrieved that he filed complaint and FIR was filed in crime No. 624 of 2021 under Section 420 of IPC. Thereafter, at the instigation of the said Selvam, his wife/defacto complainant gave a false complaint as if they harassed her. Hence, he prays to quash the proceedings.

4. The learned counsel for the second respondent appeared and admits that second respondent/defacto complainant is daughter of the first petitioner and also against her husband FIR No. 624 of 2021 was filed.

4. Considering the above facts it reveals that the first petitioner



lodge a complaint in crime No. 624 of 2021 which was prior to the present complaint in FIR No. 8 of 2022. Admittedly there is a civil dispute pending between daughter and his father, at the instigation of her husband she gave a complaint, moreover, the first petitioner is disabled person who is aged about 71 years, he was harassed by the defacto complainant and her husband. Hence, it reveals that as a counter blast to the complaint filed by the first petitioner, the defacto complainant filed the present complaint in crime No. 8 of 2022 and also there is no prime facie material against the petitioners. Therefore, FIR in crime No. 8 of 2022 is hereby quashed.

5. In the result, this petition is allowed. No Costs. Consequentially, connected miscellaneous petition is closed.

05.02.2024

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To
1. The Public Prosecutor,



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High Court, Madras.

2. THE INSPECTOR OF POLICE UTHUKOTTAI POLICE
STATION UTHUKOTTAI THIRUVALLUR DISTRICT.

T.V.THAMILSELVI, J.



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