



Crl.O.P.No.29918 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.29918 of 2022

and

Crl.M.P.No.18349 of 2022

1.Selvam
2.Mohana

... Petitioners

Vs.

1.The Inspector of Police,
N1-Police Station,
Royapuram Police Station,
Chennai-600 013.
Crime No.213 of 2022

2. Poongodi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records and to quash the FIR in Crime No.213 of 2022 pending investigation on the file of the Inspector of Police, N1-Royapuram Police Station, Chennai-600 013.

For Petitioners : Mr.D.Nellaiappan

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



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ORDER

The petitioners have filed this petition to call for the records and to quash the FIR in Crime No.213 of 2022 pending investigation on the file of the Inspector of Police, N1-Royapuram Police Station, Chennai-600 013.

2. The case of the prosecution is that the defacto complainant is the neighbour of the petitioners. She is living with her husband, daughter and mother in law. During odd hours the persons under the influence of liquor came to her house and doing some unlawful activities, therefore, she gave the complaint against the petitioners. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners have nothing to do with the offences alleged by the respondent police. He further submitted that the defacto complainant found in her house at the odd hours during mid-night are interrogated by the respondent police and they were arrested by the police. For some extraneous reasons the respondent police did not proceed with investigation in response to the complaint given by the petitioners against the defacto complainant/ poongodi and her relative Sneha in FIR.No.1547 of 2021 for the offences punishable



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under Sections 147, 341, 294(b), 286, 323 & 506(1) IPC and offences punishable under Section 4(1) (1) of the Tamil Nadu Prohibition Act.

Pursuant to the case the defacto complainant was discharged from working in the Sathunavu Koodam. He further submitted that the 1st respondent police failed to take note that an offence under Section 502 IPC is non-cognizable offence and the police ought to have advised the defacto complainant to file a private case and seek relief under Section 200 of Cr.P.C. and under Section 509 IPC, no allegations are made, nor ingredients are made available. It appears that Section 509 is included in the FIR so that the respondent police could take cognizance of the case and no case is made out under Section 502, a non-cognizable offence. It comes within the exception to Section 500 of IPC which provides punishment to the offence of defamation. Hence, he prays to quash the FIR in Crime No.213 of 2022.

4. The learned Government Advocate (CrI. Side) appearing for the 1st respondent submitted that the petitioners are arrayed as 1st and 2nd accused. Based on the complaint the lodged by the defacto complaint, counter complaint was registered under Sections 147, 341, 294(b), 286, 323 & 506(1) IPC and offences punishable under Section 4(1) (1) of the Tamil



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Nadu Prohibition Act in Crime No.1547 of 2021. He further submitted that the defacto complainant was discharged from the job working at Sathunavu Koodam. Hence, he raised objection to quash the proceedings in Crime No.213 of 2022.

5. Considering the facts and circumstances, against the petitioners as well as the defacto complainant FIRs are pending, it is now under investigation. The offences against the petitioners needs detailed investigation, at this stage this Court is not found any immaterial to quash the proceedings.

6. Accordingly, this Criminal Original Petition is dismissed as no merits. Consequently, connected Miscellaneous petition is closed.

24.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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WEB COPY

To

1. The Inspector of Police,
N1-Police Station,
Royapuram Police Station,
Chennai-600 013.
Crime No.213 of 2022
- 2.The Public Prosecutor,
High Court of Madras.



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WEB COPY



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T.V.THAMILSELVI, J.

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