



WEB COPY



Crl.O.P.No.23367 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM

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

Crl.O.P.No.23367 of 2024

and

Crl.M.P.No.13272 of 2024

1.M.Balaji

2.Ezhilarasi@ Elavarasi

... Petitioners

Vs.

1.The State, Rep by
The Sub Inspector of Police,
Anandapuram Police Station,
Villupuram District-605 701

2.Rajendran

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to call for the records from the respondent police and quash the First Information Report in Crime No.384 of 2018 dated 28.10.2018 on the file of the Sub Inspector of Police, Anandapuram Police Station, Villupuram District for Offences under Section 294(b), 323, 324, 506(1) of the India Penal Code Act,1860.

For Petitioners : Mr.R.Sathiyaraj

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

ORDER



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The petitioners herein are the accused in Crime No.384 of 2018 registered on 28.10.2018 for the alleged offence under Sections 294(b), 323, 324 and 506(i) of IPC.

2. The learned counsel appearing for the petitioners submits that on 27.10.2018 at about 5.30 p.m., while the petitioners were in their agricultural land, one Rajendran who is the complainant in this case picked quarrel with an intention to attack them and also caused hurt using deadly weapon. A complaint given against them registered FIR in Crime No.383 of 2018 for the offences under Sections 294(b), 447, 323, 324, 307 & 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, been registered and is pending investigation. To counter blast the said complaint, a false complaint registered against them by the police in FIR.No.384 of 2018. Hence the same has to be quashed, since there is no *prima facie* material to proceed against these petitioners. It is also stated that the 1st petitioner is now graduate himself in law and likely to get enroll soon. Therefore, the pendency of the case which was lodged to wreck vengeance and malafide motive liable to be quashed.

3. The learned Government Advocate (CrI.Side) appearing for



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the respondent police states that it is a case and case in counter which took place in the same transaction and the respondent police has to ascertain who is the aggressor. On ascertaining the aggressor, following Police Standing Order 566 and the dictum of the full bench of this Court in *Balaji and State of Tamil Nadu*, report will be filed within a period of two months.

4. Taking note of the fact that, the aggressor in the transaction has to be ascertain by the police and only thereafter, whether the complaint against this petitioner is sustainable or not to be decided. Hence this Criminal Original Petition is disposed of with direction to the respondent police to complete the investigation and file final report within a period of two months following the dictum of *Balaji and State of Tamil Nadu* and Police Standing Order 566. Consequently, the connected Criminal Miscellaneous Petition is closed.

25.09.2024

Index : Yes/No
Neutral Citation : Yes/No
rpl

Dr.G.JAYACHANDRAN,J.

rpl



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To

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1.The Sub Inspector of Police,
Anandapuram Police Station,
Villupuram District-605 701

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

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