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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2024

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

CrI.O.P(MD)No.1571 of 2023

and

CrI.M.P(MD)No.1351 of 2023

1. Alagappan

2. Subramaniyan

3. Meygnanamoorthy

4. Azhagu

5. Seenivasan

... Petitioners

Vs

1. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
Crime No. 382/2022.

2. Devika

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the records relating to the FIR in Crime No. 382 of 2022 dated 30.11.2022 on the file of the Inspector of Police, Kalaiyarkovil Police station, Sivagangai District and quash the same as against the petitioners.



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For Petitioners : Mr.Ragaventhre.S,

For R1 :Mr.A.Albert James
Government Advocate (Crl.Side)

For R2 : Mr.R.Babu Jaganath

ORDER

This petition was filed to quash the FIR in Crime No.382 of 2022, dated 30.11.2022, pending investigation on the file of the first respondent.

2.When the matter came up for hearing on 27.01.2023, this Court passed the following order:

"The learned counsel for the petitioner submitted that a case of civil nature has been given a criminal colour and based on the complaint given by the second respondent, the present case was registered against the petitioners. He further submitted that there is a likelihood of settlement between the parties and thereby he seeks order of stay.

2.Mr.Sivakumar, learned Government Advocate(Crl.side) submitted that the case has been registered



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very recently (i.e) on 29.11.2022 and the investigation is in a very nascent stage and thereby he opposed for stay.

3. As per the judgment of Hon'ble Supreme Court in the case of State of Tamil Nadu Vs.Maridoss in S.L.P(Crl.).No. 8371 of 2022 dated 09.01.2023, the Court cannot interfere with the investigation at the nascent stage and some reasonable time should be given to the Investigating Agency to investigate the allegation in the FIR. It has been held that "As per the settled position of law it is the right conferred upon the Investigating Agency to conduct the investigation and reasonable time should be given to the Investigating Agency to conduct the investigation unless it is found that the allegations in the FIR do not disclose any cognizable offence at all or the complaint is barred by any law." However, taking into consideration the submission made by the learned counsel for the petitioner that there is a likelihood of settlement between the parties notice is issued to the respondent. The investigation may go on and the final report shall not be filed until further orders.

4.Mr.Sivakumar, learned Government Advocate takes notice for the first respondent. The learned counsel for the petitioner is directed to take private notice on the second respondent returnable by two weeks.

5. Post the matter on 10.02.2023."



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3.The matter was thereafter listed on 04.11.2024 and the following order was passed by this Court:

"Mr.R.Babu Jeganath, learned counsel undertakes to file change of vakalat for the second respondent.

2.The learned Government Advocate, on instructions, submitted that the Additional Mahila Court, Sivagangai, by an order dated 02.07.2024 made in Crl.M.P.No.3728 of 2024 has ordered for further investigation in this case.

3.It is not clear as to why a further investigation has ordered in this case and therefore, the learned Government Advocate shall take instructions in this regard.

4.Post the case for hearing on 13.11.2024."

4.The case was taken up for hearing today and the learned Government Advocate (Crl.Side) appearing for the respondent police produced the order passed by the Court below in Crl.M.P.No.3728 of 2023,



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wherein, the Court below has ordered for further investigation and for filing of supplementary charge sheet.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that there was no settlement between the parties and the court below has already ordered for further investigation in this case, this Court is not inclined to interfere with the FIR at this stage. Ultimately, after the report is filed before the Court and if the process is issued to the petitioners and they are aggrieved by the same, it is left open to the petitioners to workout their remedy in the manner known to law.

6.In the result, this criminal original petition is dismissed in the above terms. Consequently, the connected miscellaneous petition is closed.

13.11.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To



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1. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

LR

Crl.O.P(MD)No.1571 of 2023

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