



Crl.O.P.(MD)No.2178 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.2178 of 2023
and Crl.M.P.(MD) No.1890 of 2023

J.Deepthi

... Petitioner/
Accused No.3

Vs.

1. The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai District.
Crime No.246 of 2022.

... Respondent/Complainant

2. Ananthi

... Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records connection with case in Cr.No.246 of 2022 on the file of 1st Respondent Police and quash the same.

For Petitioner : Mr.Niranjana S.Kumar

For Respondents : Mr.S.Ravi
Additional Public Prosecutor
Mr.M.Jegadeesh Pandian for R2



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ORDER

This quash petition has been filed to quash the FIR in Crime No.246 of 2022 on the file of the first respondent Police.

2.The second respondent, who is the defacto complainant gave a complaint to the police stating that she and her husband had jointly purchased the subject property through a registered sale-deed dated 11.01.2013 and constructed a house. The defacto complainant's husband was hospitalized and therefore they were staying in their son's house. At that point of time, the defacto complainant permitted A1 and A2 to reside in the house property. That apart, A1 and A2 had also borrowed a sum of Rs.32,00,000/-. Subsequently, they refused to vacate the property and they also did not pay the amount that was borrowed. When the defacto complainant demanded for the same, she was scolded in filthy language and she was also criminally intimidated and she was beaten with hands and broom stick. Based on the same, an FIR came to be registered in Crime No.246 of 2022 by the first respondent for offences under Section 294(b), 323, 354,506(i), 406 and 420 of IPC read with Section 4 of the Tamil Nadu Prohibition of Harassment of Woman



Act, 1998 .

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3.Heard Mr.Niranjan S.Kumar, learned counsel for the petitioner and MrS.Ravi, learned Additional Public Prosecutor appearing on behalf of the respondent and Mr.M.Jegadeesh Pandian, learned counsel appearing for the second respondent.

4.The petitioner has been arrayed as A3 in the First Information Report. The allegation against the petitioner is that she is the daughter of A1 and that she along with A1 had beaten the defacto complainant with broom stick.

5.The main dispute is between A1 and A2 on the one hand and the defacto complainant on the other. On carefully reading the FIR, it is seen that the entire allegations have been made only as against A1 and A2 and at one portion in the FIR, the petitioner (A3) has been roped in stating that she also attacked the defacto complainant along with A1.

6.The petitioner is hardly aged about 18 years and she is a college going student and she is studying B.Sc., Psychology at



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Avinashilingam College, Coimbatore.

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7. On considering the over all materials placed before this Court and the nature of grievance that has been expressed by the defacto complainant, it is seen that the petitioner has been unnecessarily roped in in this case. The defacto complainant was not happy with the attitude of A1 and A2 and therefore, she thought it fit to rope in the petitioner also who is the daughter of A1. Thus, insofar as the petitioner (A3) is concerned, it is clearly a vexatious proceedings against her.

8. This Court, while exercising its jurisdiction under Section 482 of Cr.P.C. must take into consideration these aspects as held by the Apex Court in ***Mohammad Wajid and Anr. v. State of U.P. and others*** reported in ***2023 SCC Online SC 951***. The relevant portion is extracted hereunder:

“30. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings



quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the



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initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

9. In the considered view of this Court, the continuation of the criminal proceedings as against the petitioner (A3) will result in abuse of process of law which warrants the interference of this Court. Accordingly, the FIR in Crime No. 246 of 2022 pending investigation on the file of the first respondent is hereby quashed insofar as the petitioner is concerned.

10. In the result, this Criminal Original Petition is allowed and there shall be a direction to the first respondent to proceed further with the investigation in Crime No. 246 of 2022 and file the final report or closure report, as the case may be, within a period of three months. Consequently, connected miscellaneous petition is closed.



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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

1. The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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