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CrI.O.P.(MD)No.2785 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.2785 of 2022
and
CrI.M.P(MD).No.2098 of 2022

1.Malathi

2.Pandi

3.Muthumadathi

4.Irulee

5.Murugan

6.Mathankumar

... Petitioners

Vs.

1.State through the Sub Inspector of Police,
Vanniyampatti Vilaku Police Station,
Srivilliputhur Taluk,
Virudhunagar District.

2.Selvi.

...Respondents



CrI.O.P.(MD)No.2785 of 2022

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to FIR in Crime No.253 of 2021 on the file of the Sub-Inspector of Police, Vanniyampatti Villakku Police Station, Srivilliputtur, Virudhunagar District, the first respondent herein and quash the same by allowing this CrI.O.P.

For petitioner	: Mr.C.M.Arumugam for Mr.M.Thirunavukkarasu
For R1	: Mr.B.Nambiselvan Additional Public Prosecutor

ORDER

This petition has been filed to quash the FIR in Crime No.253 of 2021 on the file of the first respondent police.

2. The case of the prosecution is that on 04.01.2019, at about 7.30 p.m, while the defacto complainant was procuring water, the first accused along with the other accused have restrained the defacto complainant from procuring water and scolded her in filthy language and also attacked her and caused injuries to her. Therefore, the defacto complainant lodged a complaint before the police and the case was registered in Crime No.253 of 2021 for the offences punishable under Sections 147 , 148, 341, 323, 294(b), 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Woman Harassment Act, 2002



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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and they did not commit any offence as alleged by the prosecution. He further submitted that the petitioners also lodged a complaint against the defacto complainant, but the respondent police has only proceed the defacto complainant's case for investigation. He further submitted that there is no such occurrence had happened in the particular place and to that effect affidavit has been filed before this Court along with the stay petition.

4. The learned Additional Public Prosecutor appearing for the first respondent police submitted that in the FIR, it has been specifically stated that the petitioners along with the other accused attacked the defacto complainant and caused injuries to her and AR copy is also very much available. He further submitted that during the pendency of this petition, the respondent police conducted the investigation and filed the charge sheet before the concerned Court and therefore, this Court may dismiss this petition.



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5. Considering the facts and the circumstances of this case and also the considering the submission of the learned Additional Public Prosecutor that the charge sheet has been filed before the concerned Court, this Court is not inclined to allow this Criminal Original Petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

01.02.2024

Index : Yes/No
Internet : Yes/No
tta

To

- 1.The Sub Inspector of Police,
Vanniyampatti Vilaku Police Station,
Srivilliputhur Taluk,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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