



CrI.O.P.(MD)No.2450 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD) No.2450 of 2024 and
CrI.MP(MD) No.1893 of 2024

Tamilmaran

... Petitioner

Vs

1.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Cr.No.177/2021.

2.Jayakumar

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned FIR in Cr.No.177/2021 pending on the file of R1 police and quash the same as against this petitioner is concerned.

For Petitioner

: Mr.J.Senthil Kumaraiah

For R1

: Mr.P.Kottaichamy

Government Advocate(CrI.side)

ORDER

This Criminal Original Petition is filed to quash the proceedings in Crime No.177 of 2021, on the file of the respondent police, insofar as the petitioner is concerned.



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2.The learned counsel appearing for the petitioner submits that the son of the defacto complainant in this case/the second respondent has entered into the petitioner's sister house and assaulted her, for which, a complaint has been lodged as against the son of the defacto complainant before the respondent police on 29.04.2021 and the same was registered in Crime No.176 of 2021 for the offence punishable under Sections 452,294(b), 324 and 506(ii) of IPC. Thereafter, in order to escape from the case registered as against him, the defacto complainant's father in Crime No.176 of 2021 has foisted a complaint as against this petitioner on 30.04.2021 that this petitioner has assaulted the son of the defacto complainant. It has been registered in Crime No.177 of 2021, and according to the petitioner, this case is a foisted one. He further submits that the defacto complainant in Crime No.177 of 2021 has admitted the fact that his son, the accused in Crime No.176 of 2021 has assaulted the sister of this petitioner, due to which, he was also arrested. Though there is no wound certificate, the case has been registered as against this petitioner in Crime No.177 of 2021 in a mechanical manner.



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3.Mr.P.Kottaichamy, learned Government Advocate (Crl.side) appearing for the respondents submits that totally seven witnesses have been examined so far. The final report has been filed in Crime No.176 of 2021 before the District Munsif cum Judicial Magistrate Court, Orathanadu, however, the same is yet to be taken on file.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The case is in the crucial stage of investigation. There is a case and counter case. The grounds raised by the petitioner can be decided only during the investigation. The respondent police is expected to conduct the investigation in a fair and proper manner and find out who is the real aggressor and file a final report. It is reported that the respondent police has filed the final report in Crime No.176 of 2021,however, the same was not taken on file.

6.The respondent police is directed to conduct the investigation as per the provisions under 566 of Police Standing orders



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and take a decision in Crime No.177 of 2021 within a period of four weeks from the date of receipt of a copy of this order.

7.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

03.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

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



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B.PUGALENDHI,J

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Order made in
Crl.OP(MD) No.2450 of 2024 and
Crl.MP(MD) No.1893 of 2024

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