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Crl.O.P.(MD) No.6149 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.6149 of 2024

and

CRL.M.P (MD) No.4605 of 2024

1. M.Rajaram,

2. K.Renuga,

... Petitioners

Vs

The State through

1. The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Cr.No.444/2023.

2. S.Murugan,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records connected with the case in Crime No. 444 of 2023 registered on the file of the respondent police and quash the same.



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For Petitioners : Mr.S.Malaikani

For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl. side)

ORDER

The accused in Crime No.444 of 2023 have filed this application to quash the FIR pending against them.

2.The case of the prosecution is that due to previous enmity, on 07.06.2023, the accused have abused the defacto complainant using filthy language. Hence the case.

3.The learned Counsel for the petitioners submits that in the FIR, there is no specific allegation attracting Sections 341, 294(b) and 506(2) IPC. Insofar as the Sections 34 and 144 of IPC are concerned, these sections are included only with an intention to add the second petitioner in this case. Therefore, the FIR is liable to be quashed.

4.The learned Government Advocate (Criminal Side) submits that the case was registered based on the directions issued by the learned Judicial



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Magistrate, Tenkasi in Cr.M.P.No.5188 of 2023, dated 18.07.2023 and the respondent police has almost concluded the investigation. Till now, seven witnesses have been examined and they are likely to file a final report as against the petitioners, within a period of four weeks.

5.This court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by the petitioners can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by the petitioners herein can very well be appreciated by the investigating officer during the course of investigation.

7.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant



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including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

8. Therefore, this petition is dismissed with a direction to the investigation agency to conduct a proper investigation. This Court also directs the Deputy Superintendent of Police, Tenkasi, to monitor the investigation, collect the CCTV footages from the petitioners and identify whether the petitioners have installed the CCTV to capture the daily activities of the daughters of the defacto complainant and to file a final report within a period of six weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

23.04.2024

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

LR



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To

1. The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.

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

Copy to

The Deputy Superintendent of Police, Tenkasi



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B.PUGALENDHI, J.

LR

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