



Crl.O.P.(MD)No.6811 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD) No.6811 of 2024 and
Crl.MP(MD) No.5219 of 2024

1.Devadoss
2.Dhayalan

... Petitioners

Vs

1.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
(Crime No.123 of 2024)

2.Vignesh

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned FIR in Crime No.123 of 2024, dated, 28.03.2024 on the file of the first respondent and quash the same as illegal.

For Petitioners
For R1

: Mrs.A.Banumathy
: Mr.M.Sakthi Kumar
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition is filed to quash the proceedings in Crime No.123 of 2024, dated, 28.03.2024, which is pending on the file of the first respondent.



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2.The case of the prosecution is that the defacto complainant's brother and one Prithika loved each other and on 22.03.2024, the said Prithika/the daughter of A4, has eloped with the defacto complainant's brother, due to which, the petitioners have abused the defacto complainant in filthy language and threatened with dire consequences. Therefore, a case has been registered as against the petitioners for the offences punishable under Sections 294(b), 341,352, 355, 323 and 506(ii) of IPC in Crime No.123 of 2024.

3.The learned counsel appearing for the petitioners submits one Prithika, the daughter of A4 is a minor girl and she was missing. Therefore, they have lodged a complaint before the respondent police as girl missing. However, the respondent police has not registered any case as against their complaint. Instead, they have registered a case as against the petitioners that they have abused the defacto complainant. The petitioners have also raised several other grounds in support of this petition.



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4.The learned Government Advocate (Criminal Side) appearing for the first respondent submits that the investigation is yet to be completed.

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 including the investigating officer to discharge



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their duty as expected by the government and to ensure Truth alone Triumphs.

8. Therefore, this petition is closed with liberty to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and shall conclude the investigation within a period of four months either by filing final report or with a closure report. Consequently, the connected miscellaneous petition is closed.

09.07.2024

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



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To

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- 1.The Inspector of Police,
Sengipatti 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
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