



Crl.O.P.(MD)No.11156 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.11156 of 2022

and

Crl.M.P.(MD).No.7028 of 2022

1.Sivabalan

2.Mary @ Rajammal

... Petitioners

Vs.

1.State represented by
the Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
Crime No.73 of 2021

2.Jeyarani

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Crime No.73 of 2021 for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 436, 427, 379 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, on the file of the Inspector of Police, Thattarmadam Police Station, Thoothukudi District and quash the same.

For petitioners

: Mr.J.C.Rathinavel Pandian

For R-1

: Mr.S.Manikandan,
Government Advocate
(Criminal Side)

For R-3

: Mr.T.A.Ebanezer



ORDER

WEB COPY

This criminal original petition has been filed seeking to quash the first information report in Crime No.73 of 2021 for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 436, 427, 379 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, on the file of the Inspector of Police, Thattarmadam Police Station, Thoothukudi District insofar as the petitioners are concerned.

2. The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, the petitioners herein attacked the *defacto* complainant and she sustained injuries and later, they took a sum of Rs.3,500/- and household articles from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that without going into the merits of the case, this Court may issue a direction to the first respondent police to complete the investigation within a stipulated period by providing an opportunity to the petitioners in order to disprove the complaint preferred by the third respondent.



WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the investigation in this case will be completed within a period of four weeks.

5. Heard the learned counsel appearing for the third respondent.

6. In view of the fair submission made by the learned counsel appearing for the petitioners, this Court is inclined to dispose the present petition by giving necessary direction to the first respondent Police. Accordingly, the first respondent Police is directed to conduct the investigation and complete the same within a period of four weeks from the date of receipt of a copy of this order by providing necessary opportunity to both parties and after completing the investigation, if any cognizable offences are made out, the first respondent Police shall file a charge sheet in the manner known to law. Incase, if cognizable offences are not made out, the first respondent Police shall close the case as “mistake of fact”. The petitioner is at liberty to produce all documents, in order to prove that there is no criminality in the complaint preferred by the second respondent.



Crl.O.P.(MD)No.11156 of 2022

6. In the result, this criminal original petition is disposed of.

Consequently, connected miscellaneous petition is closed.

29.02.2024

Index : Yes/No

Internet : Yes/No

TSG

To

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



WEB COPY



Crl.O.P.(MD)No.11156 of 2022

M.DHANDAPANI. J.

TSG

Crl.O.P.(MD)No.11156 of 2022

29.02.2024