



CrI.O.P.(MD)No.9711 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9711 of 2024

and

CrI.M.P.(MD)No.6611 of 2024

Kannamani

... Petitioner

versus

1. State through

The Inspector of Police,
Poovanthi Police Station,
Poovanthi,
Manamadurai Sub Division,
Sivagangai District.

2. S.Sanguvel

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with Crime No.70/2024 on the file of the 1st respondent/Poovanthi Police and quash the same.

For Petitioner : Mr.T.K.Gopalan



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For R1

: Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

The petitioner is the sole accused in Crime No.70 of 2024 for the offence punishable under Sections 294(b), 324 and 506 IPC. He has filed this petition seeking to quash the FIR which is pending against him.

2. The learned counsel appearing for the petitioner submits that the petitioner is a lonely lady and her husband is working at Chennai. He further submits that the petitioner is having the right in a well and this right has also been confirmed by the Civil Court. However, the defacto complainant/second respondent herein claiming right over the well has created problem with the petitioner by taking advantage of the fact that her husband is working at Chennai and also assaulted her. The defacto complainant, by using



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his political influence, has foisted this complaint as against the petitioner that she only assaulted the defacto complainant. He further submits that the FIR, said to have been registered on 25.04.2024, i.e. on the date of occurrence, reached the Court only on 06.05.2024. Therefore, according to him, the FIR has been registered belatedly on the instruction of some political persons in order to escape from the crime. He has also raised several grounds in support of this petition.

3. This Court considered the submissions of the learned counsel appearing for the petitioner and perused the materials placed on record.

4. The complaint given by the defacto complainant was registered as Crime No.70 of 2024 on 27.04.2024, but, it reached the Court only on 06.05.2024. Therefore, there was a delay in FIR reaching the Court. The photographs placed by the petitioner also show that the defacto complainant was in possession of an aruval.



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The petitioner also claims that the defacto complainant has created problem with her and he assaulted her and therefore, she sustained injury.

5. These are the matters which have to be considered only during the course of investigation. The investigation is a process to find out the truth. This Court expects the Investigation Agency to conduct the investigation in a fair and proper manner. Therefore, this Court is not inclined to interfere with this petition at this stage.

6. However, the respondent Police is directed to conduct the investigation in a fair and proper manner, find out the truth and ascertain who is the real aggressor. The respondent Police is also expected to consider the materials which are placed by the petitioner in the typed set of papers and the grounds raised in this petition during the course of investigation. The investigating agency is not expected to conduct the investigation in a mechanical manner with the materials placed by the defacto complainant alone.



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7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

03.07.2024

Index : Yes / No.

Internet: Yes / No.

NCC : Yes/No.

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To

1. The Inspector of Police,
Poovanthi Police Station,
Poovanthi,
Manamadurai Sub Division,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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