



Crl.O.P.(MD) No.12532 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.12532 of 2024

and

CRL.M.P (MD) No.7755 of 2024

1. G.Selvakumar

2. G.Ramakrishnan

... Petitioners

Vs

1. The Inspector of Police,
Kayathar Police Station,
Tuticorin District.
Crime No. 106/2024.

2. Gopiraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned first information report in Crime No. 106 of 2024 dated 23.03.2024 on the file of the Kayathar Police station, Thoothukudi district and quash the same as illegal in so far as these petitioners are concerned.



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For Petitioners : Mr.S.Ramesh,
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

The accused in Crime No.106 of 2024 have filed this application to quash the FIR pending against them.

2.The case of the prosecution is that due to previous motive, there was a quarrel between the accused and the defacto complainant. The accused have attacked the defacto complainant and caused injury. Hence the case.

3.The learned Counsel appearing for the petitioners submits that the petitioners are the victims at the hands of the defacto complainant and the petitioners have also lodged a complaint as against the defacto complainant, for which an FIR in Crime No.105 of 2024 was registered. In order to escape from the clutches of law, the second respondent has foisted this complaint as against the petitioners as if the petitioners have assaulted him and prevented him from distributing T-shirts.



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4.The learned Government Advocate (Criminal Side) submits that the case was registered only on 23.03.2024 and it is a matter for investigation.

5.This court considered the rival submissions made.

6.It appears that the petitioners have lodged a complaint as against the defacto complainant and the same was also registered in Crime No.105 of 2024 on 20.03.2023. The accused in Crime No.105 of 2023 appears to have lodged the present complaint as against the petitioners in Crime No.106 of 2024. Both the cases are registered as case and counter case and the investigation in both the cases are pending.

7.The investigation agency is expected to conduct the investigation as per the Police Standing Order 266(2) and to find out, who are the real aggressors in these cases. At this stage of investigation this Court is not inclined to quash the case. Since the petitioners have lodged a complaint in Crime No.105 of 2023, it is a matter for investigation and the real aggressor has to be identified only by the investigation agency. The investigation is



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the process to find out the truth. The investigation agency has to conduct the investigation in a proper manner and find out who is the real aggressor and to take further course of action as against the aggressor. In the event, if it is found out that the case is foisted as against the petitioners in Crime No. 106 of 2023 for having lodged a complaint in Crime No.105 of 2023, the investigation officer has to take further course of action in Crime No.106 of 2023. In the event if the final report has been filed as against the petitioners, then the petitioners can very well challenge the same in the manner known to law.

8.Considering the stage of investigation, this Court is not inclined to quash the FIR in Crime No.106 of 2024 with the hope that the investigation would be conducted in a fair and proper manner. Accordingly, this criminal original petition is dismissed. Consequently, the connected miscellaneous petition is closed.

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



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To

1. The Inspector of Police,
Kayathar Police Station,
Tuticorin District.

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



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B.PUGALENDHI, J.

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