



Crl.O.P(MD)No.14952 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.08.2024**

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP(MD). No.14952 of 2021

and

CRL.MP(MD)No.7987 of 2021

1. Satta Rajasekar@Rajasekaran
2. Ayyarsamy
3. Baskaran

... Petitioners

Vs

1. The Inspector of Police,
Bodinaickanur Rural Police Station,
Theni.
(Crime No. 569 of 2021)

2. Arunadevi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the FIR in Crime No.569 of 2021 on the file of the first respondent and quash the same as illegal.

For Petitioners : Mr. Navaneetharaja.K

For R-1 : Mr.M.Aasha
Government Advocate (Crl. Side)



CrI.O.P(MD)No.14952 of 2021

ORDER

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This Criminal Original Petition is filed to quash the First Information Report in Crime No.569 of 2021 pending on the file of the first respondent.

2. On perusal of the First Information Report, it is seen that the defacto complainant's photograph has been published along with the photograph of the quarry owner, as if, she has a relationship and false news has been spread against her. Further reading of the statement recorded by the respondent police at the time of registering FIR, the defacto complainant states that there is one picture in which her photograph and the photograph of the quarry owner and there was a sentence written on it by stating that the quarry owner is forcing women into prostitution.

3. The FIR is of the year 2021. There is no interim order by this Court. When the matter came up for hearing, the learned Government Advocate(criminal side) would submit that in this case, even though the



Cr.L.O.P(MD)No.14952 of 2021

petitioner's mobile phone was seized, ultimately, it could not be opened up even by the forensic expert and therefore, at that stage, the investigation is kept pending. It can be seen that the allegation is that false news has been spread in the FIR. Therefore, nothing prevented from looking at the other mobile phones and tracing the number from which the message is emanated. But, so far nothing has been done.

4. Be that as it may, the prayer for quash is made on two grounds. The first contention of the learned Counsel for the petitioner is that it is an abuse of process of law and at the same time, the petitioner is an activist, who has earlier made complaint as against the quarry owner and so as at wreak vengeance, the defecto complainant has been set up by the quarry owner himself to give such a false complaint. The second contention is that, in any event, the case is registered under section 504 and 505(i)(c) of IPC, which offences are non-cognizable.

5. This Court takes into account that there is an earlier FIR which is lodged by the petitioner and he has made complaints before the appropriate authorities with reference to illegal mining. Be that as it may,



CrI.O.P(MD)No.14952 of 2021

it can be seen that when the offences are non- cognizable in nature, the respondents ought not to have registered the FIR straight away.

Therefore, for all the above reasons, more specifically for the reasons that the matter is kept pending for a period of three years and the complaint is also absolutely without any particulars and the background in which the FIR is lodged is also taken into account, this Court is inclined to quash the FIR.

6. Accordingly, this Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

16.08.2024

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

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CrI.O.P(MD)No.14952 of 2021

WEB COPY To

- 1.The Inspector of Police,
Bodinaickanur Rural Police Station,
Theni.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P(MD)No.14952 of 2021

D.BHARATHA CHAKRAVARTHY,J.

jbr

Order made in
CRL OP(MD). No.14952 of 2021

16.08.2024