



CRL OP(MD)No.17766 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.02.2024

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL OP(MD)No.17766 of 2021

and

CRL.M.P(MD) No.9701 of 2021

1.Dharmavathi

2.Dharmalakshmi

3.Vanitha

4.Thenammal

5.Periyasamy

6.Rajalakshmi

... Petitioners

Vs

1.State represented by
Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(In Crime No.457 of 2019)

2.Rajendran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in S.T.C.No.1395 of 2021 on the file of the learned Judicial Magistrate, Rajapalayam and quash the same.

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For Petitioners : Mr.A.Robinson
For R1 : Mr.K.Sanjai Gandhi
Government Advocate(crl.side)
For R2 : Mr.A.K.Azhagarsami

ORDER

Seeking to quash the final report in STC No.1395 of 2021 on the file of the learned Judicial Magistrate, Rajapalayam, the present petition is filed. The petitioners are arrayed as accused 1 to 6 in STC No.1395 of 2021.

2. The case of the prosecution, in a nutshell, is as follows:-

The de facto complainant (since deceased) had lodged a complaint with the Sub Inspector of Police, Rajapalayam North police station, Virudhunagar District, on 18.08.2019 stating that all the accused trespassed into his house, abused in filthy language and threatened him with dire consequences. Based on this complaint, the Sub Inspector of Police registered the FIR in Crime No.457 of 2019 of Rajapalayam North Police Station, against the accused for the offences punishable under Sections 147, 294(b), 341, 448 and 506(i) of IPC. After concluding investigation, he filed a final report in STC No.1395 of 2021 for the aforesaid offences.

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3. Mr.A.Robinson, learned counsel appearing for the petitioners would contend that there was a quarrel between the petitioners on one side and the defacto complainant and other on the other side and the complaint lodged by the fourth petitioner was registered as FIR in Crime No.510/2019 of Rajapalayam North Police Station against the defacto complainant and others for the offences punishable under Sections 294(b), 341, 323 and 506(ii) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002. The defacto complainant had also lodged a complaint for the same occurrence which was registered in Crime No.457/2019 of Rajapalayam North Police Station against the petitioners for the offences punishable under Sections 147, 294(b), 341, 448 and 506(ii) IPC. According to him, the investigation officer without ascertaining as to who is the aggressor had filed two final reports in S.T.C.No.1395/2021 and C.C.No.222/2021 before Judicial Magistrate, Rajapalayam.

4. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the first respondent would contend that the police after conducting proper investigation laid a final report and there



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is no valid ground to quash the same.

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5. It is brought to the notice of the Court that the de facto complainant is no more. The petitioners and the de facto complainant are neighbours. In fact, what was informed to this Court is that the defacto complainant who is a practicing advocate used to leave his home in the morning hours. Whenever he leaves for work, he found his neighbour lady sitting in front of her house which according to him was considered as a bad omen. Therefore, the defacto complainant used to abuse her in filthy language, as a result of which, enmity cropped up between the two families, which culminated into filing of two FIRs against each other.

6. As rightly pointed out by Mr.A.Robinson, learned counsel appearing for the petitioners that the police without finding as to who the real aggressors are had filed two separate final reports. Moreover, in the FIR in Crime No.457 of 2019 of Rajapalayam North Police Station, the only allegation made against the de facto complainant is that all the accused abused him in filthy language and also threatened him with dire consequences. The de facto complainant is a lawyer by profession and



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there is nothing on record to show that he was put on imminent danger on account of the threat made by the present petitioners.

7. It is relevant to point out that in C.C.No.222 of 2021, the present de facto complainant (since deceased) is the sole accused. Therefore, the charge got abated in the said case. As far as the present case is concerned, the offences are trivial in nature and there is no reason for the present petitioners to face the ordeal of trial before the concerned Court.

8. In the circumstances, the final report in S.T.C.No.1395 of 2021 on the file of the learned Judicial Magistrate, Rajapalayam, is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

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

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- 1.The Judicial Magistrate,
Rajapalayam.
- 2.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA,J.

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