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Crl.O.P.(MD)No.20526 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.20526 of 2022

1.Shanthi @ Shanthi

2.Gowtham

3.Thenammal

4.Sakkaiammal

5.Nallathambi

... Petitioners

Vs.

1.State rep, by
the Inspector of Police,
Sellur Police Station, Madurai City
Crime No.523 of 2022

2.Leenavathy

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned FIR in crime No. 523/2022 on the file of the 1st respondent police and quash the same.

For petitioners	: Mr.S.Murugapandi
For R-1	: Mr.S.Manikandan,
	Government Advocate (Criminal Side)
For R-2	: Mr.S.Sankar

ORDER

This criminal original petition has been filed to quash the first information report in Crime No.523/2022 on the file of the respondent police for offences under Sections 147, 294(b), 323, 448, 427, 354 and 506(II) IPC and 379 NP r/w 109 IPC.



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2. The case of the prosecution is that on 30.06.2022, it is alleged that due to the dispute between the de-facto complainant and the fifth accused, at the instigation of the 5th accused, the 1st and 2nd accused said to have abused and assaulted the de-facto complainant and the 4th accused said to have snatched the chain of the de-facto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner 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 second respondent and prove their innocence by producing necessary documents.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that on the complaint given by the 2nd respondent, the case was registered. It is further submitted that to substantiate the case, wound certificate is also produced and the investigation in this case will be completed within a period of four weeks.



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5. 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 petitioners are at liberty to produce all documents, in order to prove that there is no criminality in the complaint preferred by the second respondent.

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

21.03.2024

NCC : Yes/No
Index : Yes/No

RR



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To

- 1.The Inspector of Police,
Sellur Police Station,
Madurai City
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

RR

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