



Crl.O.P.(MD)No.21590 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.21590 of 2022

and

Crl.M.P.(MD)No.15225 of 2022

M.Muniyaselvam

... Petitioner

Vs.

1.State through
The Inspector of Police,
Ervadi Dharga Police Station,
Ramanathapuram-District.
(Crime No.136 of 2022)

2.V.Jothi @ Arul Jothi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the case in Crime No.136 of 2022 registered on the file of the first respondent police and quash the same.

For Petitioner : Mr.S.Malaikani

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R2 : M/s.M.Nandhini Priyadharshini



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ORDER

This Criminal Original Petition has been filed to quash FIR in Crime No.136 of 2022 registered on the file of the first respondent police.

2.The case of the prosecution is that six months prior to the incident, one Vignesh was died and the accused persons, by using the mobile phone of the deceased, sent obscene messages of the defacto complainant and when the same was questioned by the defacto complainant, the accused persons threatened and tried to assaulted the defacto complainant and her husband. Therefore, the second respondent filed a complaint, based on which, FIR in Cr.No.136 of 2022 for the offences punishable under Section 506(i) IPC, Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 67 of the Information Technology Act, 2000. Challenging the same, the present petition has been filed.



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3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. In fact, the petitioner is having all materials to disprove the prosecution case. Therefore, the learned counsel requested this Court to permit the petitioner to produce all necessary documents before the Investigating Officer, in order to enable them to close the case as mistake of fact.

4.The learned Additional Public Prosecutor appearing for the first respondent submitted that the case is only at FIR stage and the grounds raised in the present petition are all matter for investigation and the same cannot be agitated before this Court under Section 482 Cr.P.C. Accordingly, he prayed to dismiss the present petition.

5.The learned counsel appearing for the second respondent submitted that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed. However, she further submitted that this Court may issue a direction to conclude the investigation within a



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stipulated time and if the petitioner is having documents, that may be considered by the respondent Police in the manner known to law.

6. Heard the learned counsel on either side and perused the materials available on records.

7. On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped the petitioner, it is needless to state that action against them should be dropped. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*.

8. However, in view of the fair submission of the learned counsel appearing for the petitioner, this Court is inclined to issue a direction to the first respondent to complete the investigation within a stipulated time. Accordingly, the first respondent is directed to complete the



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investigation in Cr.No.136 of 2022 by giving necessary opportunity to both parties, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is at liberty to produce relevant documents before the first respondent Police.

9.In the result, this criminal original petition is dismissed.
Consequently, connected miscellaneous petition is closed.

26.03.2024

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

To

- 1.The Inspector of Police,
Ervadi Dharga Police Station,
Ramanathapuram-District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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