

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.18663 of 2016 &

Crl. M.P.No.8764 of 2016

S.Balasubramaniyan ... Petitioner
Vs.

1.The Sub Inspector of Police,
Bhuvanagiri Police Station,
Bhuvanagiri Taluk,
Cuddalore District.

2.Alamelu ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records pertaining to the crime no.160 of 2016 on the file of first respondent and quash the same.

For Petitioner : Mr.S.Ramajayam
For 1st Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent to quash the FIR in crime No.160 of 2016 on the file of first respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. On the complaint by one Alamelu, the respondent police have registered a case in Crime No. 160 of 2006 under Section 294(b), 448, 323, 324 and 506(2) of Indian Penal Code, 1860 and Section 3(1) of the Tamil Nadu Prevention of Damage to Public Property Act, 1984 against viz., 1) Anbazhagan, 2) Balasubramaniyan, 3) Dhatshanamoorthi, 4) Arul, challenging which, Balasubramanian[A2] is before this court.

4. Mr.S.Ramajayam, learned counsel appearing for the accused / petitioner submitted that the dispute is essentially with regard to the grazing of the Cow belonging to the de-facto complainant and their family members who were the aggressors. But, whereas the respondent police have fabricated a false case as against the petitioner/accused.

5. Per contra, learned Additional Public Prosecutor submitted that in the attack by the petitioner and his family members on the de-facto complainant's family members, three persons viz., Alamelu, Sivakumar and Chockalingam suffered injuries and they were admitted in the Government Hospital, Chidambaram.

6. In view of the above, there are sufficient materials for the Police to investigate, this is not a fit case to quash the FIR in the light of the law laid down by the Hon'ble Supreme Court in State of Haryana Vs Bhajan Lal 1992 Supp [1] SCC 335.

7. However, the respondent police is directed to conduct fair and unbiased investigation, in order to find out, if these petitioners were aggressors or not. With the above observation, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

pvs / gya

To

1. The Sub Inspector of Police,
Bhuvanagiri Police Station,
Bhuvanagiri Taluk, Cuddalore District.
- 2.The Public Prosecutor,
High Court, Madras.

+1 CC to S. Ramajayam, Advocate, Sr.No.48598

CrI.O.P.No.18663 of 2016 &
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CTR (CO)
MD : 14/09/2016