



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.22550 of 2016

and

CRL.M.P (MD) No.11771 of 2016

S.Palani Murugan @ S.Palani

: Petitioner/Accused No.2

-Vs-

1.The Inspector of Police,
Othakadai Police Station,
Madurai, Madurai District.
(Crime NO.331 of 2016)

: 1st Respondent/Complainant

2. Maharaja

: 2nd Respondents/Defacto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records of the impugned F.I.R. in Crime No.331 of 2016 on the file of the first respondent police and quash the same as illegal.

For Petitioners

: Ms.M.Benazir Begum

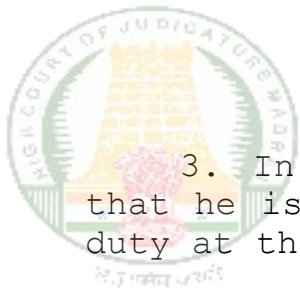
For Respondents

: Mr.K.Anbarasan

Government Advocate (Crl.Side)
for R1**O R D E R**

Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

2. On a thorough reading of the F.I.R., it is seen that the defacto complainant and the accused are neighbours. It is the allegation of the defacto complainant that the accused while constructing her house, had encroached into the property of the defacto complainant and one Ramesh and when this was questioned by the defacto complainant, a quarrel arose. On 16.06.2016 at about 08.30 a.m. , when Karupayee (A.3) was sprinkling water to her wall, the water splashed into the house of the defacto complainant. When the defacto complainant questioned, Karupayee, her sons and her husband were indiscriminately attacked the defacto complainant with weapons. They not only attacked the defacto complainant, but also intimidated the defacto complainant that she will be murdered.



3. In the ground raised by the petitioner, it is contended that he is working as a constable in Battalian and that he was on duty at the relevant point of time.

4. In the considered opinion of this Court, allibi cannot be decided in a quash application, since it is a question of fact which has to be established only before the trial Court. In the grounds, the petitioner has pointed out that there is a discrepancy in the usage of weapons. This also requires to be investigated. However, it is seen that the defacto complainant suffered serious injuries and was admitted in the hospital on 16.06.2016 as an inpatient.

5. The learned Counsel for the petitioner further contended that there are discrepancies in the statement of the witnesses, in the domestic enquiry and the police statement.

6. In the considered opinion of this Court, that also cannot be a reason to quash the F.I.R. as the investigation is at a very initial stage.

7. In the result, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Othakadai Police Station,
Madurai, Madurai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P. (MD) No.22550 of 2016
16.06.2017

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