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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:23.12.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Cr1.O.P. (MD)No.23663 of 2016

and

Cr1.M.P (MD)No.12471 of 2016

1.Kuthan
2.Lakshmanan
3.Pavunraj
4.Senthil Kumar
5.Kumar

: Petitioners/A1 to A5

-vs-

1.State represented by
The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tirunelveli District.
Crime No.382/2016

: R1/Complainant

2.Sermadurai

: R2/De-facto complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned F.I.R registered in Crime No.382 of 2016, dated 31.10.2016 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.S.S.Thesigan

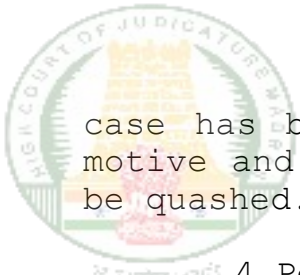
For 1st Respondent : Mr.K.Anbarasan
Government Advocate
(Criminal side)

O R D E R

This petition has been filed to call for the records relating to the impugned F.I.R registered in Crime No.382 of 2016, dated 31.10.2016 on the file of the 1st respondent and quash the same.

2.The case of the prosecution is that all the accused persons entered into the property of the de-facto complainant and removed the boundary stones laid therein and when the same was questioned, the accused persons threatened him with dire consequences and also attempted to cause injury.

3.The learned counsel appearing for the petitioners would submit that there is no such occurrence as alleged in the complaint and that the dispute between the parties is civil in nature and it is the subject matter of the suit in O.S.No.381 of 2012 pending on the file of the Additional District Munsif, Tenkasi and that the



case has been registered against the petitioners with an ulterior motive and hence, the FIR registered against the petitioners has to be quashed.

4. Per contra, the learned Government Advocate (Criminal side) appearing for the 1st respondent would submit that based on the complaint given by the 2nd respondent, FIR has been registered in accordance with law and there is no illegality or infirmity in the FIR filed against the petitioners and hence, he prayed for the dismissal of the petition.

5. Heard both sides and perused the materials available on record.

6. It is seen from the records that due to land dispute between the parties, the accused persons entered into the property of the de-facto complainant and removed the boundary stones laid in the property and when the de-facto complainant questioned the same, the accused persons attempted to cause injury with sickle and based on the complaint given by the de-facto complainant, a case in Crime No.382 of 2016 has been registered under sections 147, 148, 427, 294 (b) and 506(ii) IPC and now the case is under investigation.

7. In view of the above circumstances, whether the allegations stated in the FIR are true or not, can be decided only after full fledged trial and at this stage, it cannot be decided. Further, on reading of the FIR, there are prima facie materials available against the petitioners and the case is under investigation. Hence, this court is of the considered view that since, there are prima materials available against the petitioners, this court is not inclined to grant the relief as sought for by the petitioners.

8. Hence, this petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To,
1. The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ER

PSM/SV-MMS/SAR3/17.04.17/2P/3C

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