



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Cr1.O.P. (MD) .No.16702 of 2017

and

Cr1.M.P. (MD) .No.11026 of 2017

1.Mery Antony
2.Jesu
3.Selvi
4.Jeya
5.Jesuraja
6.Jesu Durai

... Petitioners/Accused Nos.1 to 6

Vs.

1.The State represented by
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(in Crime No.217 of 2017) ...1st Respondent / Complainant

2.Koil Raj ... 2nd Respondent / De-facto complainant

Prayer: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records relating to FIR in Crime No.217 of 2017 dated 14.07.2017 on the file of the Inspector of Police, Thisayanvilai Police Station, Tirunelveli District and quash the same as against the Petitioners.

For Petitioners
For R1

: Mr.J.David Ganesan
: Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

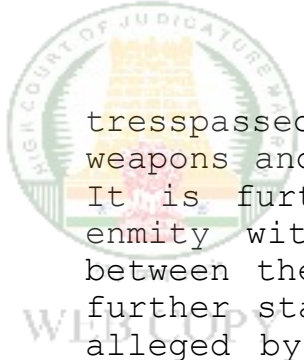
O R D E R

This Criminal Original Petition is filed to call for the records relating to FIR in Crime No.217 of 2017 dated 14.07.2017 on the file of the Inspector of Police, Thisayanvilai Police Station, Tirunelveli District and quash the same.

2.The petitioners are accused Nos.1 to 6 in Cr.No.217 of 2017 on the file of the first respondent police. Based on the complaint lodged by the second respondent, a case was registered against the petitioners in Cr.No.217 of 2017 on 14.07.2017 for the offences punishable under Sections 127, 148, 448, 294(b), 379(NH) and 506(ii) IPC and Section 3 of TNPPDL Act.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned Counsel for the petitioners states that the second respondent has given a false complaint, as if the petitioners



trespassed into the house of the second respondent with deadly weapons and damaged the house apart from taking her valuable goods. It is further stated that the de-facto complainant has previous enmity with the petitioners and that there is a civil dispute between the de-facto complainant and the petitioners 1 to 4. It is further stated that the petitioner never committed any offence as alleged by the second respondent and that there is neither *prima facie* nor the complaint discloses any cognizable offence.

4. Since the dispute is purely civil in nature and it is open to the second respondent to approach the civil Court, it is stated that the criminal complaint, which was filed, just to threaten the petitioners cannot be entertained. It is seen that the complaint discloses cognizable offences punishable under Sections 127, 148, 448, 294(b), 379(NH) and 506(ii) IPC and Section 3 of TNPPDL Act.

5. The truth or otherwise of the allegation in the complaint cannot be gone into at this stage, where the petition is filed for quashing the complaint. It is to be seen that the petitioners and the second respondent are relatives and the dispute is regarding the immovable property. Even assuming that there is a dispute in respect of immovable property, that itself is not a ground to quash the present complaint. In this case, the sequence of incidents clearly disclose that there is some truth in the complaint lodged by the second respondent.

6. In such circumstances, this Court cannot decide contentious issues on facts, which are matters for evidence and the complaint cannot be quashed on the basis of the version of the petitioners, who are the proposed accused. Hence this petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Aravakuruchi Police Station, Tirunelveli District.

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

CMR

JS/SV.MMS/SAR.4/22.12.2017/2P-3C

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