



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.12.2017
CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

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CRL.O.P. (MD) No.17284 of 2017
and
CRL.M.P (MD) No.11333 of 2017

1.Ramesh @ Ramesh Kannan
2.Karthick @ Rajesh Kannan
3.Thirupathy @ Thirupathy Lingaraj
4.Suyambu ... Petitioners/Accused no.1 to 4

vs.

1.The State represented by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
(Cr.No. 43 of 2017) ... 1st Respondent / Complainant

2.Muthu Krishnan ... 2nd Respondent / De-facto
Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Cr.No.43 of 2017 on the file of the first respondent police and quash the same.

For Petitioners : Mr.T.A.Ebenezer
For R1 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to issue a direction to quash the First Information Report in Crime No.43 of 2017 on the file of the first respondent.

2.The petitioners are proposed accused Nos. 1 to 4 in the complaint which was lodged by the second respondent against the petitioners. The complaint was registered in Crime No.43 of 2017 by the first respondent for the offences punishable under Sections 294(b), 307, 506(ii) of IPC and Section 4 of TNPPDL Act. The First Information Report clearly reveals the commission of cognizable offence as against the petitioners.

3.The learned Counsel for the petitioners submitted that the de-facto complainant is an advocate and the complaint lodged by



him is a false one, just to wreck vengeance against the petitioners as there was a dispute between the de-facto complainant and the petitioners. It is also stated that the complaint is consciously a false one and that it was motivated for obvious reasons.

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4.Expect denying the allegations in the First Information Report and describing the complaint as instigated one out of ill-motive, the learned counsel for the petitioners has not raised any other legal grounds to quash the First Information Report. This Court has already held in several cases that the First Information Report / complaint cannot be quashed merely on the basis of the version of the proposed accused, by denying the factual allegations. On the ground of probability of the allegations in the complaint, this Court cannot entertain a petition to quash the First Information Report. Hence, this petition is dismissed and it is open to the petitioner to produce sufficient materials either at the time of investigation or before the trial Court. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1.Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.

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

+ 1 CC TO MR.T.A.Ebenezer, ADVOCATE IN SR No.93389

pnn/cmr

MK/MR/SAR-1/17.01.2018/2P/4C

CRL.OP (MD) No.17284 of 2017

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