



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.2432 of 2017

and

Crl.M.P.(MD)No.1909 of 2017

1. Shantha
2. Packiyam
3. Rajendran
4. Revathi
5. Ilayanilla
6. Ganesan

: Petitioners/Accused No.3 to 8

-vs-

- 1.State Rep. by,
The Sub-Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.102/2017).

- 2.Kovi Kannan : Respondents/Defacto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records in Crime No.102 of 2017 on the file of the first respondent police and quash the same with regard to the Petitioners/Accused 3 to 8

For Petitioners	:	Mr. M.A.M.Raja
For Respondent No.1	:	Mr.A.P.Balasubramani, Government Advocate (Crl.side)

ORDER

It is the case of the *defacto* complainant that the accused owed money and to recover which, the *defacto* complainant initiated several proceedings, which, according to the *defacto* complainant, had ended in his favour. While so, it is alleged by the *defacto* complainant that the accused called him to their native place in the guise of settling this matter and when he came to the house of the accused, he was attacked with an 'Aruvalmanai'. It is also seen that the police conducted initial enquiry and did not take any action, as they found that the complaint was false. However, the *defacto* complainant had approached the Learned Judicial



Magistrate, Andipatti by filing a complaint in Cr.M.P.No.294/2017, on which, the Learned Magistrate had ordered the police to register an FIR.

2. On a reading of the complaint, it is seen that the dispute essentially appears to be civil in nature. However, since the allegation is that there was an attack with 'Aruvalmanai', this Court cannot go into such disputed questions of fact in a petition under Section 482 of the Code of Criminal Procedure. In this case, the case has been registered by the Inspector of Police, Andipatti Police Station. Under such circumstances, this Court directs the Deputy Superintendent of Police, Andipatti Sub-Division, to monitor the investigation conducted by the Inspector of Police, Andipatti Police Station, in Crime No.102 of 2017 and if the same is found to be false, it is needless to say that the same shall be closed under due intimation to the *defacto* complainant.

3. With the above direction, this petition is closed. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

SML/rm

To:

- 1 The Judicial Magistrate, Antipatti
- 2 do thro The Chief Judicial Magistrate, Theni District
- 3 The Deputy Superintendent of Police, Andipatti,
Sub Division, Theni District
- 4.The Sub-Inspector of Police,
Andipatti Police Station,
Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to MR.M.A.M.RAJA, Advocate SR.No.12805

Order made in
Cr1.O.P.(MD) No.2432 of 2017
Dated: 07.03.2017