



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.3460 of 2017

and

Crl.M.P.(MD)No.2598 of 2017

1.Thavasikani

2,.Jeyapaul

3.Palavesamuthu

4.Velumani

: Petitioners

-Vs-

1.The State represented by,

The Inspector of Police,

Eruvadi Police Station,

Tirunelveli District.

(Crime No.78 of 2015).

2.Muthukumar

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the entire records pertaining to the case in Crime No.78 of 2015 on the file of the Inspector of Police, Eruvadi Police Station, Tirunelveli District and quash the same.

For Petitioners

: Mr.R.Anand

For Respondent No.1

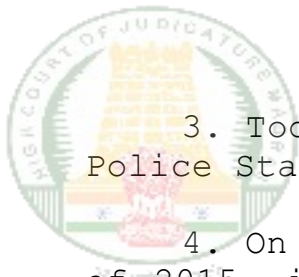
: Mr.K.Anbarasan,

Government Advocate (Crl.side)

O R D E R

On the complaint lodged by the second respondent, the first respondent has registered a case in Crime No.78 of 2015 on 13.06.2015, under Sections 147, 447 and 427 of the Indian Penal Code against the petitioners herein, challenging which, the petitioners are before this Court for quashing the First Information Report.

2. Heard the learned counsel for the petitioners and the Government Advocate (Criminal side) appearing for the first respondent.



3. Today, Mr.C.Sekar, Special Sub-Inspector of Police, Eruvadi Police Station, is present in Court.

4. On a reading of the First Information Report in Crime No.78 of 2015, it is seen that there is some civil dispute between the accused and the *defacto* complainant and that the *defacto* complainant has alleged that on 25.05.2015, when he went to the land, he found the accused levelling the land with JCB and that when he questioned them, they ran away.

5. On the complaint of Palkani, a case in Crime No.103 of 2015 has been registered on 23.07.2015 under Sections 147, 468, 471, 294(b) and 506(ii) of the Indian Penal Code against Muthukumar and the investigation is pending. Muthukumar, who is the *defacto* complainant in Crime No.78 of 2015, is one of the accused in Crime No.103 of 2015. Palkani, who is the *defacto* complainant in Crime No.103 of 2015, is the own brother of Thavasimani, the first accused in Crime No.78 of 2015. Thus, there appears to be a civil dispute between two groups for the ownership of certain land.

6. Under such circumstances, this Court directs the respondent police to complete the investigation in Crime Nos.78 of 2015 and 103 of 2015, within a period of three months from the date of receipt of a copy of this order and either file a closure report or a final report, as the case may be.

7. This Criminal Original Petition is disposed of with the above direction. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

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

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

SML

MAS/RR/SAR2:17.04.2017:2P-3C