



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Cr1.O.P.(MD)No.721 of 2017

and

Cr1.M.P(MD)No.647 of 2017

WEB COPY

1.Sathiyamoorthy
2.Shanthi
3.Radha
4.Sathyapriya
5.Athirathinam
6.Annapoorani @ Nirmala

: Petitioners/A1 to 6

Vs.

1.State through the Inspector of Police,
Nagamalai Pudukottai,
Madurai.
Cr.No.645/2016

..Respondent/Complainant

2.Sundari

: Respondents/ Defacto Complainant

Prayer: This petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.645 of 2016, dated 05.12.2016 on the file of the respondent No.1 and quash the same.

For Petitioner

: Mr.K.Kamaludeen

For 1st Respondent

: Mr.K.Anbarasan
Government Advocate
(Criminal side)

O R D E R

This petition is filed to call for the records pertaining to the First Information Report in Crime No.645 of 2016, dated 05.12.2016 on the file of the 1st respondent police and quash the same.

2.The learned counsel appearing for the petitioners would contend that the allegations made in the First Information Report or in the complaint do not prima facie constitute any offence or made out a case against the petitioners and that the dispute between the parties is civil in nature that the FIR do not disclose any cognizable offence, justifying the investigation done by the police Officers under the Code of the Civil Procedure Code and that since, there is no material available in the complaint, the FIR registered against the petitioners is liable to be quashed and accordingly,



this petition has to be allowed.

3. Per contra, the Government Advocate (Criminal side) appearing for the 1st respondent would submit that there are prima facie materials available against the petitioners and hence, the FIR registered against the petitioners is valid in law and the same need not be quashed and prayed for the dismissal of the quash petition.

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

5. On reading of the First Information report, attached to the typed set of papers, a case was registered in Crime No.645 of 2016 under Sections 147, 148, 294(b), 447, 468, 471, 420 and 506(2) IPC 323, 324 and 506(2) IPC against the accused.

6. Further, on reading of the allegations made in the complaint, it shows that the case was registered on the statement given by 2nd respondent for the alleged occurrence took place on 3.12.2016 and it is clearly revealed that the alleged offences stated in the FIR were clearly made out. Hence, this court is of the considered view that FIR has been rightly registered, based on the complaint given by the complainant.

7. Therefore, this court finds that no valid ground is available to quash the FIR registered by the 1st respondent. Hence, the contention of the petitioners that the dispute between the parties are civil in nature and hence, the FIR filed against the petitioners has to be quashed, has no merit.

8. In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To,

1. The Inspector of Police,
Nagamalai Pudukottai,
Madurai.

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

MAS/MR:20.02.2017:2P/3C