



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.7408 of 2017 &
Crl.M.P. (MD) .No.5043 of 2017

WEB COPY

1.V.Maruthappan
2.V.Pitchai
3.V.Maruthayee
4.M.Pandi @ Pandiselvam
5.M.Vimal @ Paneerselvam
6.M.Balamurugan : Petitioners/Accused Nos.1 to 6

-Vs-

1.The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.153 of 2017) : Respondent/ Complainant

2.T.Manikandan :Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the First Information Report in Crime No.153 of 2017 dated 11.05.2017 under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC on the file of the Respondent No.1 and quash the same as illegal.

For Petitioners : Mr.T.Lajapathi Roy

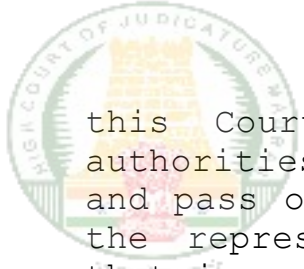
For Respondent :Mr.K.Anbarasan for R1
Government Advocate(Crl.Side)

O R D E R

It is seen that the *defacto complainant* was admitted in the Government Hospital, Melur and on getting information, the police went to the hospital and recorded the statement of one Manikandan, based on which a case in crime No.153 of 2017 has been registered on 11.05.2017 for the offence under Sections 147, 148, 294(b), 323, 324 and 506(i) IPC against one Maruthappan and 5 others. Challenging which, all the accused are before this Court.

2. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the first respondent.

<https://hcservices.courts.gov.in/hcservices/>
3. The learned counsel for the petitioners submitted that Maruthappan, had earlier filed W.P.(MD).No.19462 of 2016, in which



this Court has passed orders on 06.10.2016 to the Revenue authorities to consider the representations given by Maruthappan and pass orders in accordance with law. He further contended that the representations were connected with certain encroachments, that is said to have been made by one Ponnaiyyan in a water body. Aggrieved by the order obtained by Maruthappan, the present First Information Report has been registered against him by the police.

4. Per contra, the learned Government Advocate (Criminal Side), refuted the contentions.

5. This Court gave its anxious consideration to the rival submissions. From a reading of the First Information Report, it is seen that Manikandan was injured in the incident and he has identified the accused who had attacked him. Therefore, it cannot be stated that the First Information Report has been registered for *malafide* reasons.

6. The fact remains that Manikandan was admitted in Government Hospital and his statement was recorded there by the police. In such circumstances, the contention that Maruthappan had filed a writ petition and aggrieved by that a false case has been registered, pales to insignificance. Since there are *prima facie* materials in the First Information Report, this is not the fit case to quash the First Information Report in the light of the law laid down by the Hon'ble Supreme Court in **State of Harayana v. Bhajan Lal and Ors.** reported in **AIR 1992 SC 604.**

7. In the result, this petition is closed with further direction to the Deputy Superintendent of Police, Melur to monitor the investigation in Melavalavu Police Station Crime No.153 of 2017 that is being conducted by the Inspector of Police, Melavalavu Police Station, Madurai. Consequently, connected miscellaneous petition is closed.

Sd /-

ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

- 1.The Deputy Superintendent of Police,Melur.
- 2.The Inspector of Police,
Melavalavu Police Station, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Jikr

MAS/KKR/SAR2:23.06.2017:2P-4C

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