

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2018

CORAM

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

Crl.O.P. No.9704 of 2018
and Crl.M.P.No.4995 of 2018

1.Dr.Sivalingam
2.Gopalakrishnan
3.Balaji

Petitioners

vs.

1.State rep. by
Inspector of Police
Katpadi Police Station
Katpadi
Vellore District.

2.A.Mohan Dass

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in connection with FIR in Cr.No.38 of 2018 dated 26.01.2018 on the file of the Inspector of Police, Katpadi Police Station, Katpadi, Vellore District and quash the same.

For petitioners	Mr.S.Saravanakumar
For R1	Mrs.Kritika Kamal.P. Government Advocate (Crl.Side)

ORDER

This petition has been filed to call for the records in connection with FIR in Cr.No.38 of 2018 dated 26.01.2018 on the file of the Inspector of Police, Katpadi Police Station, Katpadi, Vellore District and quash the same.

2. It is the case of the de facto complainant that the property in question belonged to his mother Deivanai, who is said to have obtained the patta for the land and had fenced it some time in the year 1999. While so, the de facto complainant has alleged that on 15.07.2016, he came to the land in question and found the three accused demolishing the compound wall. Hence, the de facto complainant lodged a complaint and since the same was not taken on file, he filed Crl.O.P.No.25294 of 2017

for a direction to the respondent police to register an FIR. Based on the directions given by this Court, the respondent police have now registered an FIR in Cr.No.38 of 2018 on 26.01.2018 under Section 447 IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, against Sivalingam [A1], Gopalakrishnan [A2] and Balaji [A3], challenging which the accused have filed the present quash application.

3. Heard Mr.S.Saravanakumar, learned counsel for the accused and the learned Government Advocate (CrI.Side). Mr.K.Karunakaran, Special Sub-Inspector of Police, Katpadi Police Station is present before the Court today.

4. On perusal of the records it is seen that the patta that was given to the de facto complainant in respect of the said land has been cancelled by the District Revenue Officer on 05.07.2016 by a detailed order. The de facto complainant has also challenged this order in W.P.No.30696 of 2016. Therefore, it is clear that the de facto complainant was aware about the cancellation of the patta. However, in the complaint that forms the basis for the FIR, which has been given subsequent to 05.07.2016, the de facto complainant has not whispered about the cancellation of the patta. It is also seen that Sivalingam [A1] was not in India on the alleged date of incident, viz., 15.07.2016 as could be seen from the entries in his passport. Be that as it may, the FIR has been registered pursuant to the directions issued by this Court and it will not be proper for this Court to quash the FIR, though this Court is prima facie satisfied that the dispute is essentially civil in nature.

5. Hence, this Court directs the Inspector of Police, Katpadi Police Station, to conduct a thorough investigation in Cr.No.38 of 2018 under the supervision of the Deputy Superintendent of Police, Katpadi Taluk and if it is found that the allegations are not true, a Closure Report shall be filed within three months from the date of receipt of a copy of this order. Liberty is given to the petitioners to appear before the Inspector of Police and submit all the relevant documents for the purpose of completing the investigation.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police
Katpadi Police Station
Katpadi, Vellore District.

2.The Public Prosecutor,
High Court, Madras.

copy to:

The Deputy Superintendent of Police,
Katpadi Taluk.

+1cc to Mr.S.Saravanakumar, Advocate sr.no.24395

Crl.O.P. No.9704 of 2018

ssd(co)
nr 26/04/2018



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