

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.21311 of 2018
& Crl.M.P.No.11599 of 2018

1. V.Mayakrishnan
2. M.Viknesh

.. Petitioners

Vs

1. Union Territory of Puducherry,
Rep.by The Station House Officer,
Thavalakuppam Police Station,
Puducherry -7.
(Crime No.52/2018)

2. Mr.Muthu Venkatachalam

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the Crime No.52 of 2018 on the file of the Sub Inspector of Police, Thavalakuppam Police Station, Union Territory of Puducherry and quash the same.

For Petitioner : Mr.M.Palanivel

For Respondent : Mr.Bharatha Chakravarthy
Public Prosecutor (Pondy) for R1

O R D E R

The second respondent filed the petition in Crl.M.P.No.3386 of 2018 under Section 156 (3) Cr.P.C. and on the direction of the learned Judicial Magistrate -1, Puducherry, the police have registered a case in Crime No.52 of 2018 on 16.07.2018 under Sections 447, 294 (b) and 506 (ii) IPC r/w 34 IPC, for quashing which, the accused is before this Court.

2. Heard Mr.Palanivel, learned counsel for the petitioners/accused1&2, and the learned Public Prosecutor (Pondicherry) for the first respondent.

3. On a reading of the complaint, it is alleged by the defacto complainant that on 22.06.2018 on 10.30 a.m., he went to his property at Abishegapakkam Village along with his friend

Meenakshi. At that time, the accused came there and pushed him down and asked him to go out of the property. Hence, the complaint and the consequent FIR.

4. Mr.M.Palanivel, learned counsel appearing for the petitioner/ accused submitted that the first petitioner has filed a suit in O.S.No.831 of 2017 against the defacto complainant in respect of the disputed property, for injunction, before the Principal District Musif, Puducherry and the said suit is pending. He also submitted that on 22.06.2018, the accused was in his office at Government Hospital, Puducherry and therefore, he was not present in the place of occurrence as alleged in the complaint.

5. In the opinion of this Court, disputed questions of fact cannot be gone into in a quash petition under Section 482 Cr.P.C. When there are prima-facie materials for the investigation to proceed, the FIR cannot be quashed at threshold and further alibi cannot be looked into in this quash petition.

6. Hence, this petition is dismissed. However, this Court directs the Senior Superintendent of Police, in-charge of Thavalakuppam Police Station, Puducherry to monitor the investigation that is being conducted by the Inspector of Police, Thavalakuppam Police Station in Crime No.52 of 2018 and complete the same expeditiously, either by filing a closure report or a final report as the case may be. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

pns/rts

To

1.The Public Prosecutor,
High Court, Madras.

2. Sub Inspector of Police,
Thavalakuppam Police Station,

WEB COPY

3. The Senior Superintendent of Police,
Thavalakuppam Police Station, Puducherry

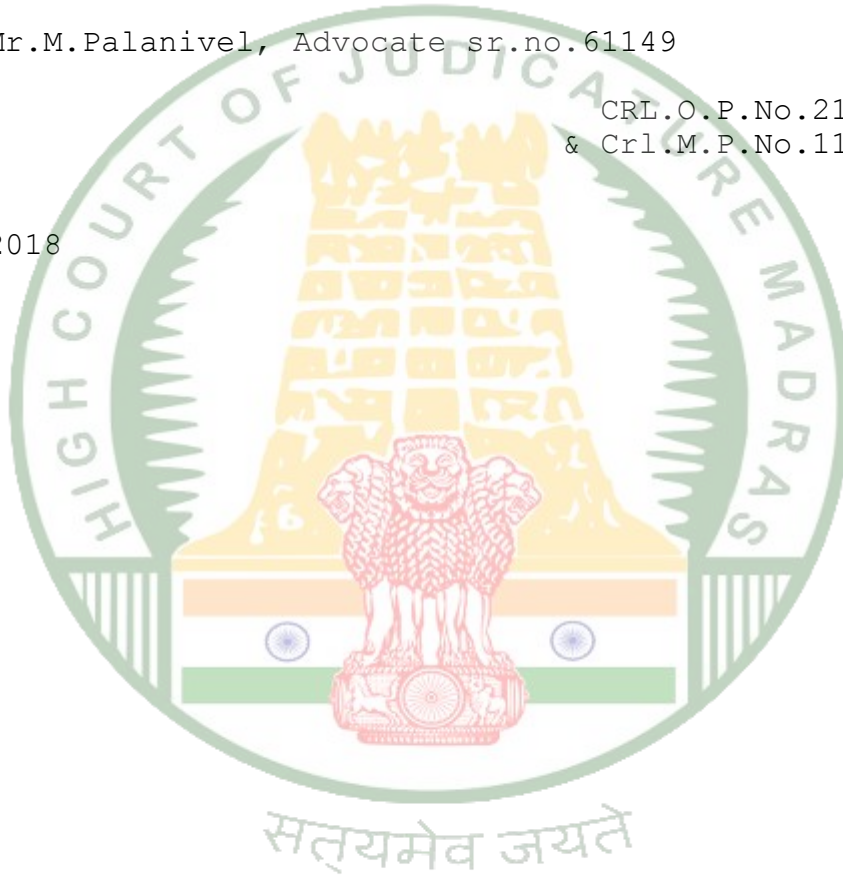
4. Union Territory of Puducherry,
Rep.by Station House Officer,
Thavalakuppam Police Station,
Puducherry -7.

5. The Inspector of Police,
Thavalakuppam Police Station,
Puducherry.

+lcc to Mr.M.Palanivel, Advocate sr.no.61149

CRL.O.P.No.21311 of 2018
& Crl.M.P.No.11599 of 2018

spd(co)
nr 27/09/2018



WEB COPY