

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27235 of 2018 and
Crl.M.P.No.15711 of 2018

1.Shivalingam

2.Charles

3.Salamon

4.Rani

...Petitioners

Versus

1.State Rep By:-

Inspector of Police,
Uthukottai Police Station,
Thiruvallur District.

2.Murugesan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the F.I.R in Crime No.606 of 2018 on the file of the respondent Police, Uthukottai Police Station, Thiruvallur District.

For Petitioners: Mr.N.Nithianandam

For R1 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

सत्यमेव जयते

O R D E R

This petition has been filed seeking for quashing the F.I.R in Crime No.606 of 2018, pending on the file of the 1st respondent.

2.The respondent Police based on the compliant given by the 2nd respondent, have registered an F.I.R against the petitioners for an offence under Sections 436, 506(ii) of the Indian Penal Code.

3.The learned counsel for the petitioners would submit that the 2nd respondent has illegally encroached upon the common path way belonging to the Government and the 1st petitioner lodged a complaint before the Tahsildar, Uthukottai in order to remove the encroachment. Based on the complaint, an inspection was made and the report was also submitted before the Tahsildar, Uthukottai. The Tahsildar thereafter, passed an order on 08.11.2016, directing the removal of the encroachment made by the 2nd respondent.

4.The 2nd respondent aggrieved by the same has proceeded to give the present false complaint before the 1st respondent and therefore, the learned counsel for the petitioners would submit that the entire complaint is attended with malafides.

5.This Court while considering the petition for quashing the F.I.R has to merely go by the averments and allegations made in the complaint. This Court cannot go into the truthness or otherwise of the allegations and this Court cannot conduct a mini investigation. Admittedly, the case is still under investigation before the respondent Police. The petitioners can always placed all the materials before the respondent Police in the course of investigation and the same will be taken into consideration by the respondent Police before coming to a final conclusion. This Court is not inclined to interfere with the investigation at this stage.

6.This Criminal Original Petition is disposed of with a direction to the respondent Police to complete the investigation and file a final report or a closure report, as the case may be, within a period of one month from the date of receipt of a copy of this order.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vv2/rpl

To

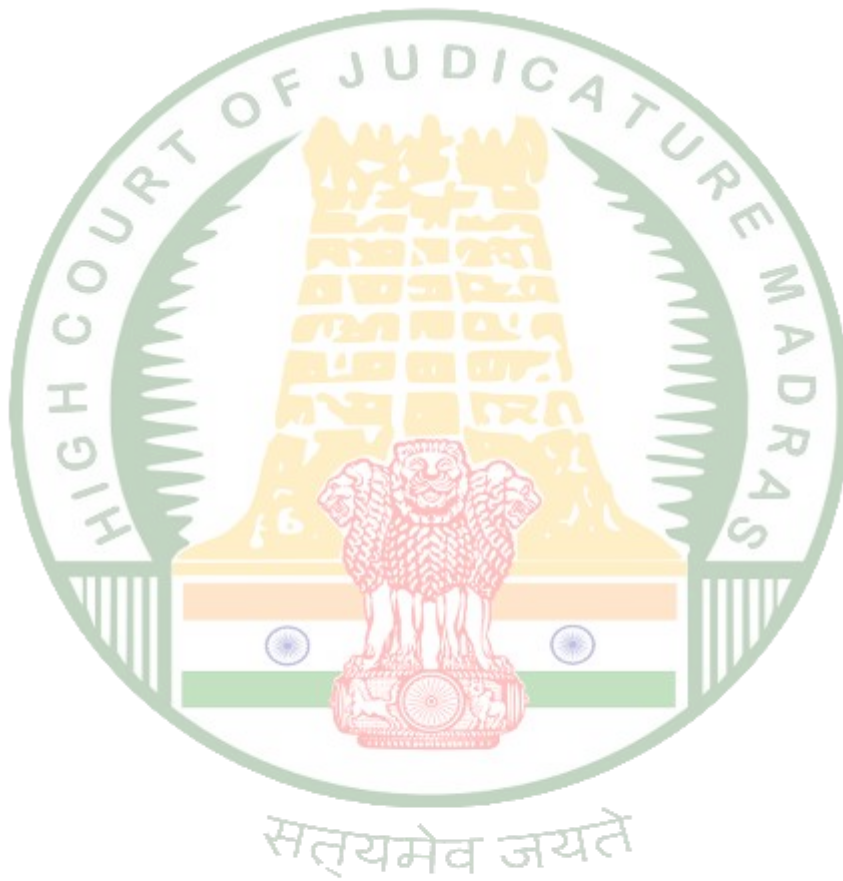
1.The Inspector of Police,
Uthukottai Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.N.Nithianandam, Advocate sr.no.80792

CRL.O.P.No.27235 of 2018

nr 29/11/2018



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