



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.(MD).No.14160 of 2015
and M.P.(MD) No.1 of 2015

WEB COPY

1.Radhakrishnan
2.Navaneetha Krishnan
3.Nagoor Kani @ Durai
4.Balakrishnan
5.Esravel

... Petitioners/Accused 1 to 5

Vs.

1.State rep by the Inspector of Police,
Kalakadu Police Station,
Naguneri Taluk,
Tirunelveli District.
In Crime NO.226 of 2014

... 1st Respondent/Complainant

2.Sahul Hameed

... 2nd Respondent/Defacto
Complainant

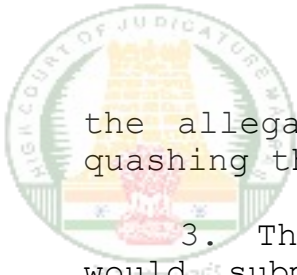
PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the case in Crime No.226 of 2014 on the file of the first respondent/The Inspector of Police, Kalakadu Police Station, Tirunelveli District and quash the same.

For Petitioners : Mr.S.R.Anbarasu
For R1 : Mr.A.P.G.OHM Chairma Prabhu
Government Advocate (CrI.side)
For R2 : Mr.M.P.Senthil

ORDER

The petitioner has filed this petition to quash the First Information Report in Crime No.226 of 2014 on the file of the first respondent registered for offences under Sections 147, 379(NH), 506 (ii) IPC and Section 3 of TNPPDL Act as against the peitioners.

2. The learned counsel for the petitioners would submit that the petitioners are arrayed as the first accused to fifth accused. A false case has been foisted against the petitioners by the first respondent herein. The second respondent/defacto complainant had already sold the disputed property by a Sale Deed dated 06.11.2013. Therefore, he is no way connected to the said property and the present complaint has been falsely foisted as against the petitioners. Further he would submit that the second respondent/defacto complainant has no locus standi to lodge the complaint and



the allegations are vague and bald and therefore, he sought for quashing the First Information Report.

3. The learned counsel appearing for the second respondent would submit that in the First Information Report, there are specific allegations against the petitioners herein and it cannot be quashed at threshold. It has been gone into in full-fledged investigation and he prayed for dismissal of this petition.

4. The learned Government Advocate(Crl.side) would submit that almost investigation has been completed and a final report is yet to be filed and because of pendency of this petition, the first respondent is not able to file a final report.

5. Heard the learned counsel appearing for the petitioner, learned Government Advocate(Crl.side) appearing for the first respondent and learned counsel appearing for the second respondent.

6. It is seen from the averments made in the First Information Report that there are specific averments and they are serious in nature. On the basis of the documents obtained on threat, they filed a suit in O.S.No.122 of 1996. Thereafter, on 20.06.2014 at about 12.00 p.m they caused damage to the fencing worth about Rs.50,000/- to the second respondent herein. They also have taken away the construction materials to the tune of Rs.25,000/- and other materials. Totally the materials worth about Rs.1 lakhs have been taken away. Further, it is also seen that the First Information Report is not an Encyclopaedia. As submitted by the second respondent, there are specific allegations and averments as against the petitioners and that has to be gone into by full-fledged investigation. The First Information Report cannot be quashed at threshold.

7. Under these circumstances, this Court is not inclined to quash the First Information Report. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected M.P.(MD) No. 1 of 2015 is also dismissed.

Sd/-

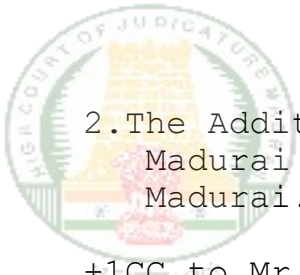
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Inspector of Police,
Kalakadu Police Station,
Naguneri Taluk,
Tirunelveli District.



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

+1CC to Mr.M.P.Senthil, Advocate, SR.No.91709

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and M.P. (MD) No.1 of 2015
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CM

ES/SKN/RSK/SAR 3/14.11.2018/3P/4C