



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.06.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P. (MD) No.10492 of 2018
and
Crl.M.P. (MD) No.4698 of 2018

1.S.Siva @ Sivakumar
2.S.Thennarasu
3.S.Balamurugan
4.S.Vellaiyammal

... Petitioners/Accused

-vs-

1. The Inspector of Police,
S.S.Colony Police Station,
S.S.Colony, Madurai.
(Crime No.686 of 2017)

...1st Respondent/Complainant

2.S.Rajaji

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in F.I.R. in Crime No.686/2017 on the file of the first respondent, dated 12.06.2017 and quash the same.

For Petitioner : Mr.Karthick Subramanian
For R1 : Mr.Prabhu Ramachandran,
Government Advocate.

ORDER

This petition has been filed praying to call for the records in F.I.R. in Crime No.686/2017, on the file of the first respondent, dated 12.06.2017 and quash the same.

2.The learned counsel appearing for the petitioner would submit that the second respondent has given a complaint against the petitioners on 12.06.2017 and based on the complaint, a case was registered in Cr.No.686 of 2017 for the offences punishable under Sections 447, 427, 294(b), 506(ii) of IPC. On the same day, the fourth petitioner also gave another complaint against the second respondent and others and the said complaint was registered in Cr.No.687 of 2017 and the above said cases are pending for investigation. Subsequently, the Revenue Divisional Officer, Madurai has passed an order on 06.02.2018 by holding that the



property in question is a common pathway. Hence, the petitioner has filed the present Criminal Original Petition seeking to quash the FIR.

3. The learned Government Advocate (Crl.side) on instructions would submit that investigation is still pending before the respondent police. Therefore, the petitioner can place the order passed by the Revenue Divisional Officer before the respondent police and thereafter, the respondent police shall take note of the order passed by the Revenue Divisional Officer and proceed with the investigation and complete the investigation in accordance with law.

4. Considering the fact that the investigation is pending in Cr.No.686 of 2017 and Cr.No.687 of 2017 on 12.06.2017 and subsequently, the Revenue Divisional Officer has passed an order on 06.02.2018 in respect of the property in dispute, therefore, this Court is inclined to pass the following order:-

i) The petitioner is directed to place relevant documents before the respondent police along with the copy of the order passed by the Revenue Divisional Officer on 06.02.2018.

ii) On production of such documents, the respondent police shall consider the same and complete the investigation in accordance with law, as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this Court. "

5. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The The Inspector of Police,
S.S.Colony Police Station,
S.S.Colony, Madurai.

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

Am

AE/PN/SAR3/26.07.2018/2P/3C