



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P. [MD] No.4430 of 2019

and

Crl.M.P. (MD) No.2697 of 2019

WEB COPY

1.P.Thanapaul
2.Selva Singh @ D.Selva Singh Samuel
3.Ebenezer @ S.Ebenezer Samuel
4.Anbu @ S.T.K.Anbu Thangapandian : Petitioners

Vs.

1.State represented by
The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.

2.Rajapandian Nadar : Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the FIR in Crime No.19 of 2019 on the file of the first respondent police and quash the same in so far as the petitioner is concerned.

For Petitioners : Mr.T.Leninkumar

For R-1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

ORDER

The present petition is filed to quash the case in Crime No.19 of 2019 for the offence under Sections 417 and 420 IPC.

2. The essential allegation made in the FIR is to the effect that the accused persons, who are in the process of building a Church, had approached the defacto complainant for issuing 'No Objection Certificate', since a temple was adjacent to the proposed site of construction of the Church. Even as the defacto complainant took time to consider the same for consulting the other members, the petitioners along with few others brought into existence a 'No Objection Certificate' by fabrication and impersonation.

3. The learned counsel appearing for the petitioners made a valiant effort, and it must be recorded now in a failing cause, to convince this Court that it is a fit case for interfering with the ongoing investigation and quash the FIR.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent.



5. Obviously, there are materials in the FIR, which discloses the commission of offence and also involvement of some of the petitioners and others. Even if there is any truth in the submissions of the petitioner's counsel that the defacto complainant himself is not in the affairs of the concerned temple, then that also may become the matter for investigation. For the present, if the petitioner has any material to guide the investigation to its logical end and if they considers it desires on so sharing, they may share the same with the Investigating Officer.

5. Subject to the above observation, this criminal original petition is dismissed. The petitioners will be at liberty to challenge the final report in the manner known to law, if there are grounds exist. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.Leninkumar, Advocate, SR.No.56872

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