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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P. (MD)No.9265 of 2017

and

Crl.M.P. (MD)No.6295 of 2017

1.Revathi Sambasivam
2.P.R.Sambasivam
3.K.Sampath

... Petitioners

Vs.

1.State rep. by
Inspector of Police,
Devakottai Town Police Station,
Devakottai,
Sivagangai District.
(Crime No.19 of 2017)

2.Thillairaja

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the First Information Report in Crime No.19 of 2017 dated 31.01.2017 on the file of the Inspector of Police, Devakottai Town Police Station, Sivagangai District and quash the same.

For Petitioners : Mr.G.Balasubramanian

For Respondents : Mr.R.Anandharaj,

Additional Public Prosecutor for R.1

: No appearance for R.2

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the First Information Report pending against them in Crime No.19 of 2017, on the file of the first respondent police.

2. The case in Crime No.19 of 2017 was instituted by the first respondent police on 31.01.2017, at the instance of the second respondent / complainant. According to the complainant, he entered into an agreement with one Thiyagaram, S/o.Krishna Iyer on 02.10.2016, with regard to the subject property and running his business in the premises. The petitioners herein, who are having some civil dispute with his landlord, namely, Thiyagaram, have entered into his business premises, assaulted and also locked the office room, thereby, caused nuisance and also inconvenience to the complainant. Based on his complaint, the first respondent police has registered the case against the petitioners herein and six others, for the offence punishable under Sections 147, 294(b), 323 & 506(i) IPC.



3. According to the learned Additional Public Prosecutor, the investigation is in the crucial stage and they have examined substantial witnesses and they will conclude the investigation within a stipulated time limit.

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4. Though the petitioners have sought for a larger relief of quashing the First Information Report, the learned Counsel confined and submitted that the first respondent police may be directed not to harass the petitioners under the guise of enquiry. He further submitted that the grounds raised in the present petition may be directed to be considered by the respondent police at the time of investigation.

5. Under such circumstances, this criminal original petition is disposed of, with a direction to the first respondent police to conduct the investigation, in a fair manner and also taking into consideration all the grounds raised by the petitioners in this petition and complete the investigation within a period of three months from the date of receipt of a copy of this order. The first respondent police shall not harass the petitioners under the guise of investigation. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,
Devakottai Town Police Station,
Devakottai,
Sivagangai District.
2. The Public Prosecuttor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.G.BALASUBRAMANIAN, Advocate SR-60680.

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CS: (14/06/2019) 2P 5C