



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.07.2019
CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

CRL.O.P. (MD) .No.10499 of 2019
and
Cr1.M.P. (MD) .No.6599 of 2019

1.Baskaran
2.Pounraj

: Petitioners/Accused Nos.1&2

Vs.

1.State represented by
The Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Crime No.182 of 2019)

: 1st Respondent/complainant

2.Ramesh Kumar

: 2nd Respondent/Defacto
Complainant

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code to call for the records pertaining in Crime No.182 of 2019, dated 25.04.2019, on the file of the Inspector of Police, Devathanapatti Police Station, Theni District and quash the same.

For Petitioner : Mr.K.Sudalaiyandi
For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

ORDER

The petitioners are arrayed as Accused Nos.1 and 2 in Crime No.182 of 2019, for the offences under Sections 447, 294 (b), 323, 427 and 506 (ii) of the Indian Penal Code, on the file of the Inspector of Police, Devathanapatti Police Station, Theni District, based on a complaint given by the second respondent. To quash the same, the present petition has been filed.

2.The case of the *defacto* complainant / second respondent, is that, the second respondent is an employee in Solitaire BTN Solar Private Limited, and he was engaged in installing a solar power unit in Survey No.2871 / 1. At that time, the petitioners / accused trespassed into the land and caused damages to the instruments, demanded Rs.50,000/- from the second respondent. The petitioners also abused the second respondent in filthy language, brutally criminally intimidated him. Hence, the second respondent filed a complaint before the first respondent Police and the respondent Police registered the case in Crime No.182 of 2019.



To quash the above said complaint, the present petition has been filed.

3.The learned counsel appearing for the petitioners submitted that it is only civil dispute between the parties and a false complaint has been given against the petitioners only in order to disturb their enjoyment of the property, and absolutely, there is no truth in it. Hence, the petitioners want to quash the complaint.

4.Today, when the matter was taken up for hearing, the learned Government Advocate (Criminal side) appearing for the first respondent, on instructions, submitted that based on a complaint given by the second respondent, the First Information Report has been registered and now it is pending investigation, at this stage, the First Information Report cannot be quashed.

5.Considering the rival submissions made on either side and also perused the records carefully.

6.On perusal of the complaint, it is seen that the petitioners trespassed into the property, abused the defacto complainant in filthy language attacked him with hands and also criminally intimidated him. The averments clearly constituted cognizable offence. Hence, the respondent Police rightly registered the complaint. Whether the averments contained in the First Information Report is true or not, cannot be decided at this stage and the First Information Report cannot be quashed on that ground. The ownership of the property is a question could be decided only before the Civil Court and that issue also cannot be decided under Section 482 of the Code of Criminal Procedure.

7.In the above circumstances, I find no merit in the Criminal Original Petition and the same stands dismissed accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

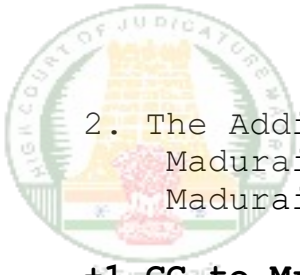
Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Devathanapatti Police Station,
Ineni District.



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

+1 CC to Mr.K.SUDALAIYANDI, Advocate (SR-77459[F] dated
25/07/2019)

Order made in
CRL.O.P. (MD) .No.10499 of 2019
Dated:25.07.2019

tsg

MK (28.08.2019) 3P 4C