



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No.14550 of 2019
and Crl.M.P.(MD) Nos. 8811 & 8812 of 2019

1. P. Muthukumaran
2. Sri Nithya

...Petitioners/A1 & A2

Vs.

1.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

2. R. Murugan

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to the FIR dated 26.08.2019 in Crime No.212 of 2019 on the file of the first respondent police and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mrs. A. Arul Jenifer

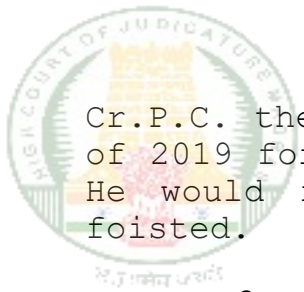
For R1 : Mr.S.Bharathi
Government Advocate (Crl. side)

For R2 : Mr. J. Karthikeyan

O R D E R

The Criminal Original Petition has been filed to quash the FIR, dated 26.08.2019 in Crime No.212 of 2019 on the file of the first respondent police.

2. The learned counsel appearing for the petitioners would submit that there is a civil dispute pending between the petitioners and the second respondent. He would further submit that based on a complaint, enquiry was conducted by the first respondent police and thereafter finding that the dispute between the petitioners and the second respondent/defacto complainant was 'civil in nature' and that the respondent police has closed. However, on a direction issued by the learned Judicial Magistrate, Nilakottai under Section 156(3) of



Cr.P.C. the first respondent has registered a case in Crime No. 212 of 2019 for the offences under Sections 294(b), 427, 506(i) of IPC. He would further submit that the entire case is fabricated and foisted.

3. At this juncture, the learned Government Advocate appearing for the respondent police would submit that originally the case was closed as 'Civil in Nature'. Thereafter, the first respondent has registered a case on the direction issued by the learned Judicial Magistrate, Nilakottai and during the enquiry, since it was found that the second petitioner was not involved in the case further action had been dropped against her. However, the investigation is going on in respect of the first petitioner and she would further submit that the respondent shall complete the investigation within a period of one month and file final report.

4. The learned counsel appearing for the petitioner would submit that the first petitioner is suffering from 60% disability and that the entire averments that the first petitioner has threatened the defacto complainant is false.

5. The learned counsel appearing for the second respondent would submit that the first petitioner and his wife damaged the wall constructed by the second respondent/defacto complainant and that investigation is pending and at this stage, the FIR cannot be quashed at a threshold.

6. Taking into consideration of the submissions made by the learned counsels, direction is issued to the Deputy Superintendent of Police, Nilakottai to supervise the investigation done by the first respondent in Crime No. 212 of 2019 and the final report shall be filed, within a period of One Month, from the date of receipt of copy of the order.

7. With the above directions, the Criminal Original Petition stands disposed off. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Deputy Superintendent of Police,
Nilakottai.

2. The Inspector of Police,
Nilakottai Police Station,
Dindigul District.

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

+1 CC to M/s.R.GANDHI, Advocate (SR-105847[F] dated 19/12/2019)

+1 CC to M/s.A.ARUL JENIFER, Advocate (SR-105823[F] dated
19/12/2019)

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JMN(09.01.2020) 3P : 6C