



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.OP.No.27647 of 2019
and MP.No.14738 of 2019

1.S.N.Neelakanadan
2.Renuka
3.Mangala Gowri
4.Vaideeswaran
5.Manjula

.. Petitioners

-vs-

1.The State Represented by
The Inspector of Police,
Gudiyatham Police Station,
Gudiyatham - 632 602.
Vellore District.
Cr.No.175 of 2019.

2.Kailashnath

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to quash the First Information Report in Crime No.175 of 2019, on the file of the first respondent police.

For Petitioner : Mr.J.Prakasam
For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1
: Mr.K.Balaji for R2

ORDER

This petition has been filed by Accused Nos.1 to 5 to quash the FIR in Cr.No.175 of 2019 on the file of the first respondent.

2. The learned counsel for the petitioners has submitted that the second respondent has filed a suit in OS.No.134 of 2017 on the file of the Sub Judge, Gudiyatham for the relief of partition. He further submitted that the said suit has been stayed by this Court in CRP.No.3259 of 2018 dated 22.01.2019. He further submitted that on 23.03.2019, the second respondent herein and his family members have trespassed the petitioner's property and caused damage and with regard to the said occurrence, the first petitioner has lodged a complaint before the first respondent on 23.03.2019 and after receipt of the said complaint, CSR.No.163 of 2019



was issued and thereafter, the first respondent has registered an FIR in Cr.No.174 of 2019 under sections 294(b), 447, 147 and 506(1) IPC read with Section 3(1) Prevention of Damage to Public Property Act, 1984 on 26.03.2019. He further submitted that subsequently after 3 days, the second respondent has lodged a false complaint and based on the same, the first respondent has registered an FIR in Cr.No.175 of 2019 against the petitioners herein under section 294(b), 447, 147 and 506(2) IPC. He further submitted that only to escape from the FIR registered against the second respondent as an after thought, he lodged a false complaint after 3 days. Hence, he prayed to quash the FIR.

3. Per contra, the learned counsel for the second respondent has submitted that both the parties have lodged complaints on 23.03.2019 itself and CSR.Nos also issued on the same date and after preliminary enquiry, the first respondent has registered both the FIRs on 26.03.2019 and hence there is no delay on the part of the second respondent in lodging the complaint. He further submitted that since both the complaints are case and case in counter, the first respondent may be allowed to investigate both the matters and then only aggressors can be fixed and therefore he prayed to dismiss this petition.

4. The learned Additional Public Prosecutor who is appearing for the first respondent has adopted the arguments advanced by the learned counsel for the second respondent and he also prayed to dismiss this petition.

5. Admittedly, both the cases are case and case in counter and in such case, unless the first respondent is allowed to complete the investigation, it would be very difficult to fix the aggressors. Therefore this court is of the view that the first respondent shall be allowed to complete the investigation in both FIRs and file final report at early.

6. For the aforesaid reasons, this petition is dismissed. Consequently, connected Miscellaneous petition is also closed.

Sd/-
Assistant Registrar(AD I MDU)

//True Copy//

Sub Assistant Registrar

drl



To

WEB COPY

1. The Inspector of Police,
Gudiyatham Police Station,
Gudiyatham - 632 602.
Vellore District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J. Prakasam, Advocate, S.R.No.11206

+1cc to Mr.K. Balaji, Advocate, S.R.No.10982

CrI.OP.No.27647 of 2019
and MP.No.14738 of 2019

SSD(CO)
EU(06/07/2020)