



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.01.2020
CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD).No.1668 of 2020
and
Crl.M.P.(MD) No.783 of 2020

1.Azhagar
2.Tharmalingam
3.Subbulakshmi
4.Ambika Tharmalingam

... Petitioners/Accused No.1 to 4

Vs.

1.The State rep. by,
The Sub-Inspector of Police,
Thiruvidaimarudhur Police Station,
Thiruvidaimarudhur,
Thanjavur District.
(In Crime No.100 of 2019)

... 1st Respondent/Complainant

2.J.Venkatesan

... 2nd Respondent/Defacto Complainant

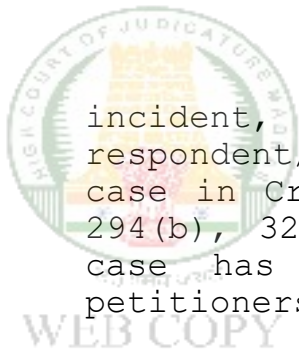
PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.100 of 2019 on the file of the first Respondent Police and quash the same.

For Petitioners : Mr.C.Padmaraj
for M/S.N.Sudhagar Nagaraj
For 1st Respondent : Mrs.S.Bharathi
Government Advocate (Crl. Side)

O R D E R

This petition has been filed to quash the FIR in Crime No.100 of 2019 on the file of the first Respondent Police as against the petitioners.

2. The learned Counsel appearing for the petitioners would submit that there is a civil dispute pending between the petitioners and the second respondent/defacto complainant in respect of land. On 08.03.2019, the petitioners has cut the branches of the trees and cleaned the area of hay stock and that on 09.03.2019, the defacto complainant and his father namely Jeyaraman had abused filthy language and damaged the glass of the front side of the bike, which was parked in front of the petitioner's house. Based on that



incident, the petitioner has given a complaint against the second respondent/defacto complainant and his father in respect of which, a case in Crime No.101 of 2019 for the offences under Sections 341, 294(b), 324, 427 and 506(2) of IPC. As a counter blast, a false case has been given by the defacto complainant against the petitioners. Hence he prayed to quash the same.

3.The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that the petitioner and the second respondent are adjacent land owners. On the complaint given by the petitioners, a case in Crime No.101 of 2019 was registered against the defacto complainant and others. On the complaint given by the defacto complainant, the present case in Crime No.100 of 2019 was registered against these petitioners. He would further submit that investigation is going on and hence, she prayed for dismissal of this petition.

4.Perused the materials available on record.

5.It is seen from the First Information Report that there are specific allegation as against the petitioners, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6.In view of the above, this Court is not inclined to quash the FIR in Crime No. 100 of 2019. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. Further the respondent police is directed to complete the investigation and file final report before the concerned Court in both the crime number following the police standing order and file final report within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg



To:

1. The Sub-Inspector of Police,
Thiruvidaimarudhur Police Station,
Thiruvidaimarudhur,
Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate (SR-4238[F] dated
31/01/2020)

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MK (17.02.2020) 3P 4C