



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

Cr1.O.P.(MD).No.1705 of 2020

and

Cr1.M.P.(MD).No.802 of 2020

A.Karuppasamy

.. Petitioner

Vs.

1.The State rep. By,

The Inspector of Police,

Thirumangalam Town Police Station, Madurai District.

2.Kulothunga Chozhan

.. Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.29 of 2020 on the file of the first respondent police and quash the same as against the petitioner.

For Petitioner : Mr.K.Kannan

For 1st Respondent : Mrs. S.Bharathi,

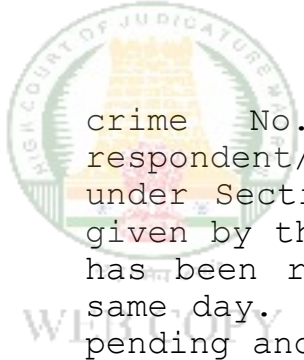
Government Advocate (Cr1. Side)

ORDER

This petition has been filed to quash the proceedings in Crime No.29 of 2020 on the file of the first respondent police.

2. The learned Counsel appearing for the petitioner submitted that based on the complaint given by the petitioner and his villagers against the second respondent for having caused disturbance to the festival and damaged the sound system, a case has been registered in crime No.28 of 2020 by the first respondent police for the offence under Sections 294(b), 323 and 506(ii) of IPC. As a counter blast, in order to wreck vengeance, a false complaint has been given by the second respondent/defacto complainant against the petitioner and five others, a case in crime No.29 of 2020 was registered by the first respondent police for the offences under Sections 147, 148, 294(b), 324, 506(ii) and 109 of IPC. He would further submit that the present case is a motivated one and the petitioner has filed a petition in W.P.(MD).No.21521 of 2019 before this Court against the first respondent Police and that is the reason a false case has been registered against the petitioner. Hence, he prayed to quash the same.

<https://hcservices.ecourts.gov.in/hcservices/> 3.The learned Government Advocate (Criminal Side) would submit that it is a case and case in counter. She would further submit that on the complaint given by the petitioner, a case in



crime No.28 of 2020 was registered against the second respondent/defacto complainant and three others for the offences under Sections 294(b), 323 and 506(ii) of IPC and on the complaint given by the second respondent/defacto complainant, the present case has been registered against the petitioner and five others on the same day. She would further submit that the investigation is still pending and this petition is in premature stage and hence, she prays for dismissal of this petition.

4.At this Juncture, the learned counsel appearing for the petitioner would submit that the first respondent police is having wrath and ill feeling against the petitioner and thereby he would pray that a direction may be issued to transfer both the cases from the file of the first respondent and to direct any superior office to conduct investigation.

5.In view of the same, this Court is not inclined to quash the FIR. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed. However, a direction is issued to the Deputy Superintendent of Police, Thirumangalam to take up and conduct investigation in both the cases in Crime Nos.28 and 29 of 2020 and file final report, within a period of Three Months, from the date of receipt of a copy of this order. Consequently, connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Inspector of Police,
Thirumangalam Town Police Station, Madurai District.

2.The Deputy Superintendent of Police,
Thirumangalam, Madurai District.

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

+1 CC to Mr.K.KANNAN, Advocate (SR-1988[I] dated 21/01/2020)

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