



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11436 of 2020

and

Crl.M.P. (MD)No.5233 of 2020

M.Varadharaj

... Petitioner / Accused

Vs

1.The State through
The Inspector of Police,
Palani Taluk Police Station,
Palani Taluk,
Dindigul District.
(Crime No.97 of 2020)

... Respondent / Complainant

2.P.Krishnasamy

... Respondent / Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records of the 1st respondent police in connection with Crime No.97 of 2020 on the file of the 1st respondent police and quash the same insofar as against the petitioner is concerned.

For Petitioner : Mr.V.R.Venkatesan

For Respondent : Ms.S.E.Veronica Vincent,
Govt. Advocate (Crl. Side) for R1

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent.

2.The petitioner wants this court to quash the impugned FIR in Crime No.97 of 2020 registered on the file of the first respondent for the offences under Sections 447, 427 and 506(i) of I.P.C.

3.The learned counsel for the petitioner took me through the contentions set out in the memorandum of grounds and also the materials enclosed in the typed set of papers.



3.It is seen there from that there is a bad blood between the petitioner and the defacto complainant. The case of the defacto complainant is that the fencing put up by them was removed and damaged and that the defacto complainant is facing threat and intimidation at the hands of the petitioner. If I am to grant relief to the petitioner herein, I will have to necessarily undertake a factual investigation. Such a course of action is not permissible while exercising my jurisdiction under Section 482 of Cr.P.C. The plea put forth by the petitioner is a matter for investigation by the first respondent. It is not for this Court to entertain.

4.Leaving open the petitioner's defences, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

NOTE:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1.The Inspector of Police,
Palani Taluk Police Station,
Palani Taluk, Dindigul District.

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

+1 CC to M/s.V,R, VENKATESAN, Advocate (SR-20502[F] dated 19/10/2020)

Crl.O.P(MD)No.11436 of 2020
15.10.2020

ias

SDS (03.11.2020) 2P-4C