



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11865 of 2020

and

Crl.M.P. (MD)No.5475 of 2020

WEB COPY

- 1.Balasubramanian
- 2.Muthammal
- 3.Vijay
- 4.Karthick
- 5.Banumathi

... Petitioners/Accused No 1 to 5

Vs.

- 1.The State represented by
The Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi District.
(Crime No.340 of 2020) ...1st Respondent/Complainant

- 2.Sundari ...2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the impugned FIR in Crime No.340 of 2020 on the file of the first respondent police and quash the same as illegal.

For Petitioners	: Mr.T.Veerakumar
For Respondents	: Ms.S.E.Veronica Vincent, Government Advocate (Crl. Side) for R1

O R D E R

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

2.The petitioners are figuring as accused in Crime No.340 of 2020 registered on the file of the first respondent for the offences under Sections 147, 148, 448 and 427 of I.P.C.

3.The second respondent is the defacto complainant. The case of the second respondent is that the petitioners herein have demolished her house when she was away and have also put up a compound wall across the pathway thereby preventing her access.

4.The petitioners' counsel would contend that the second respondent has given a false complaint. According to him, the house



in question is a common house and that it was not the exclusive property of the deceased husband of the second respondent. He also would point out that only some repair works were carried out and the petitioners deny the allegation of demolition.

5.The petitioners' counsel would also draw my attention to the proceedings of the jurisdictional Thasildar. According to the petitioners' counsel a civil dispute is being given a criminal color with malicious intentions.

6.The petitioners' counsel would point out that the petitioners have submitted a representation to the Superintendent of Police and that they have enclosed bunch of documents supporting their claim. The investigation officer is directed to look into these documents also before filing the final report.

7.The other contentions will have to be gone into only by the investigation officer. The FIR itself was registered only on 20.07.2020. In exercise of jurisdiction under Section 482 of Cr.P.C., this Court may not be in a position to go into these contentious factual disputes. Leaving open the rights and defences of the petitioner and with the aforesaid direction, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Puthiamputhur Police Station,Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.11865 of 2020
28.10.2020

BK (CO)

AP (05/11/2020) 2P 3C

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