



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD) No.12951 of 2020

and

Crl.M.P (MD) No.5906 of 2020

WEB COPY

Irulappa Raja

... Petitioner/Accused No.1

Vs.

1.The State represented by
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
Crime No.639 of 2020.

... 1st Respondent/Complainant

2.Ulagapandain,
Sub Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

...2nd Respondent/Defacto
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Crime No.639 of 2020 on the file of the Inspector of Police, Veeravanallur Police Station, Tirunelveli District and quash the same as against the petitioner is concerned.

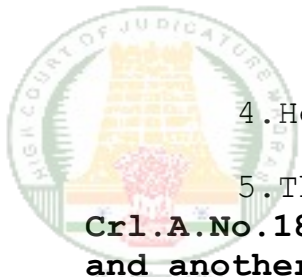
For Petitioner	: Mr.S.Sathyachidambaram
For 1 st Respondent	: Ms.S.E.Veronica Vincent, Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.639 of 2020 on the file of the Inspector of Police, Veeravanallur Police Station, Tirunelveli District.

2.The learned counsel appearing for the petitioner would submit that the petitioner has got permission from the Tahsildar for transporting the sand, further the said sand is used for agricultural purposes and not for any illegal activities. But, without adverting such facts, the respondent police most mechanical and practical manner filed the case. Therefore, the petitioner filed this present petition for quashing the First Information Report.

3.The learned Additional Public Prosecutor appearing for the respondents police would submit that the case is under investigation.



4. Heard the learned counsel on either side.

5. The Hon'ble Supreme Court by judgment dated 02.12.2019 in **Crl.A.No.1817 of 2019 in the case of M.Jayanthi vs. K.R.Meenakshi and another** has held as follows:-

''9. It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.''

6. In view of the same, this Court is not inclined to quash the FIR. However, the first respondent police is directed to complete the investigation by considering the documents, which are available with the petitioner and file final report within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petitioner is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Das

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,
Veeravanallur Police Station,
Tirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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Crl.O.P. (MD) No.12951 of 2020
and
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