



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

WEB COPY

Crl.O.P(MD)No.14629 of 2020 and

Crl.MP(MD) Nos.6897 of 2020

1.A.Panjavarnam
2.K.Jeyapandi
3.A.Senthil Kumar
4.Alagarsamy
5.S.Ayyangalai
6.A.Kowsik
7.A.Panayammal
8.Parameshwari

Petitioners/Accused 1to 8

Vs

1.The State Represented by
Inspector of Police,
Keelavalavu Police Station,
Madurai District
(Crime No.1393/2020)

1st Respondent /Complainant

2.Senthil Kumaran

2nd Respondent / Defacto
Complainant

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.1393 of 2020, on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.S.S.Arunnithy

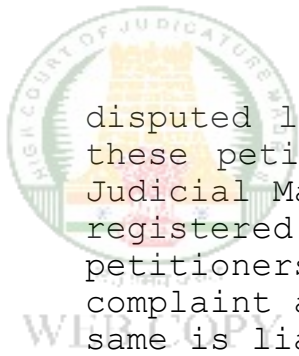
For R1 : Mr.V.Neelakandan

Additional Public Prosecutor(Crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.1393 of 2020, on the file of the 1st respondent police.

2.The learned counsel appearing for the petitioners would submit that based on the petition filed by the defacto complainant under Section 156(3) of Cr.P.C, alleging that there was a land dispute between the 5th petitioner and the defacto complainant and the 5th petitioner filed a civil suit in O.S.No.46 of 2018, against Senthil kumar and the same is pending, while so, on 25.01.2020, the defacto complainant with few others tried to construct a shed in the



disputed land, thereby the defacto complainant was attacked by all these petitioners and got injured, and as directed by the learned Judicial Magistrate, Melur, a case in Crime No.1393 of 2020 has been registered. According to the petitioners, in order to grab the petitioners' property, the defacto complainant has lodged a false complaint against the 5th petitioner and their family members and the same is liable to be quashed.

3.The learned Additional Public Prosecutor (Crl.side) appearing for the official respondent would submit that it is a case and counter case in Crime No.1501 of 2020.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl.side) appearing for the first respondent and perused the materials available on record. Since no adverse order is going to be passed, notice to the 2nd respondent is dispensed with.

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.Here in the present case, the complainant had made specific allegations in the complaint filed against the petitioners and therefore, the grounds raised in this petition can be gone into only in a full-fledged trial. Further, it is seen from the records that it is case and counter case in Cr.No.1501 of 2020. In view of the above, this Court is not inclined to quash the impugned FIR in Cr.No.1393 of 2020 on the file of the respondent police.

7. The ends of justice could be secured, if a direction is issued to the respondent police to investigate both the cases and file Final Reports together. Accordingly, the respondent police is directed to complete the investigation in both Crime Nos.1393 of 2020 and 1501 of 2020, together and file Final Reports within a period of two months from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

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. Inspector of Police,
Keelavalavu Police Station,
Madurai District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.S.Arunnithy, Advocate, SR.No.25830 dated 16/12/2020

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15.12.2020

PU(CO)
KB(03.02.2021) 3P 3C