



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.O.P. (MD)No.8751 of 2015

and

CrI.M.P. (MD) .No.1 of 2015

1.Gurusamy

2.John Peter

: Petitioners / Accused Nos.1 & 2

-Vs-

1. State represented by
the Inspector of Police,
Oomatchikulam Police Station,
Madurai.

(Crime No.122 of 2015) : Respondent / Complainant

2. S.Muthupandi,
Executive Officer,
Vocational H...and Rehabilitation Centre,
13/14, Narayanapillai Street,
Chandragandhi Nayar, Ponmeni,
Madurai-10.

: Respondent / De facto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings in Crime No.122 of 2015, on the file of the first respondent and quash the same.

For Petitioners : Mr.T.Antony Arul Raj

For R-1 : Mr.S.Chandrasekar

Additional Public Prosecutor

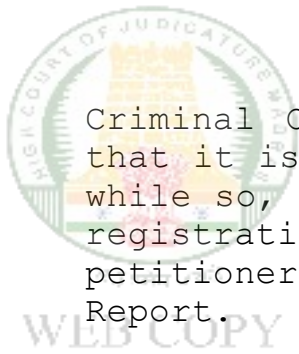
For R-2 : No Appearance

ORDER

This Petition has been filed to quash the proceedings in Crime No.122 of 2015, on the file of the first respondent .

2. Pursuant to the direction of this Court in CrI.O.P. (MD).No.2797 of 2015, the Oomatchikulam Police Station, has registered a case in Crime No.122 of 2015, against the petitioners herein, for the offences under Sections 447, 468 and 420 I.P.C. The said First Information Report has now been questioned in this

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



Criminal Original Petition by the accused persons on the ground that it is a pure civil dispute. Even according to the complaint, while so, when there is no element of criminality involved and the registration of first Information Report is bad in law, hence, the petitioners prayed this Court to quash the First Information Report.

3. The learned counsel appearing for the petitioners would submit that the revenue records relied by the complainant is unconnected to the property in dispute and without even making a preliminary enquiry and prima facie material, the First Information Report has been registered. Hence, it has to be quashed.

4. This Court as well as the Hon'ble Supreme Court has gone on ever since in the Bajanlal's case laid down guidelines. When the First Information was registered pursuant to the direction of this Court in Crl.O.P.(MD).No.2797 of 2015, it cannot be quashed by another order of this Court by exercising power under Section 482 of Cr.P.C. It is for the petitioners herein to participate in the enquiry and place all the materials and convince the Investigating Officer. Hence, the Criminal Original Petition stands disposed of by giving liberty to the petitioner to participate in the enquiry and place all the records in his favour to prove his title.

5. At this juncture, the learned Additional Public Prosecutor appearing for the first respondent would submit that due to delimitation of the Madurai Corporation, the property, which was earlier within the territorial jurisdiction of Oomatchikulam Police Station, Madurai is now falls under the Koodalputhur Police Station. If it is so, the first respondent Police, Oomatchikulam, is directed to transfer the file and entire records to the Inspector of Police, Koodalputhur Police Station, Madurai, for further enquiry, after serving due notice to the parties concerned. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)



To

1. The Inspector of Police,
Oomatchikulam Police Station,
Madurai.

2. The Inspector of Police,
Koodalputhur Police Station,
Madurai.

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

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-10408[F] dated
06/03/2020)

CRL.O.P. (MD) No.8751 of 2015
05.03.2020

tsg

AE (17.03.2020) 3P 4C