



WEB COPY

CrI.O.P.(MD)No.17299 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.08.2020**

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P. (MD)No.17299 of 2016

and

CrI.M.P. (MD)No.8569 of 2016

- 1.Julious
- 2.Jaison
- 3.S.Arun David
- 4.E.Bensam
- 5.Ashis Jackson
- 6.Redlin Winny
- 7.Gifton Daniel
- 8.Ajith @ Ajithkumar
- 9.Lambert @ Lambert Rajaprakash
- 10.Shaju S.Kumar
- 11.Ninu Jeyasingh
- 12.N.Selvin
- 13.Nibu Jeyasingh

: Petitioners/Accused 2 to 11, 13 to 15

Vs.

- 1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District. : 1st Respondent/Complainant
- 2.L.Sagaya Naveen : 2nd Respondent/Defacto Complainant
- 3.The Secretary,
CSI Church,
Neyyoor and Post,
Kanyakumari District. : 3rd Respondents/Property Owner

Prayer: Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the First Information Report in Crime No.887 of 2015 on the file of the first respondent and quash the same insofar as the case against the petitioners are concerned.

For Petitioners : No Appearance
For Respondent No.1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (CrI.side)
For Respondent No.2 : No Appearance



ORDER

Earlier, when the matter came up for hearing on 14.07.2020, at the request of the learned counsel appearing for the petitioners, the matter was adjourned by two weeks. Again, the matter was listed on 30.07.2020 and on that day, the learned counsel for the petitioners could not be connected and hence, it was adjourned to 03.08.2020 '**for orders**'. Thereafter, the matter is listed today (13.08.2020) '**for orders**'. Even today, when the matter is called, there is no representation on behalf of the petitioners.

2. The present quash petition has been filed to quash the First Information Report registered in Crime No.887 of 2015 on the file of the first respondent for the alleged offences punishable under Sections 147, 148, 341, 294(b), 323, 387, 506(ii) of the Indian Penal Code and Section 3(1) of TNPPDL Act.

3. The learned Government Advocate (Criminal side) appearing for the first respondent, on instructions, submitted that pending the present quash petition, investigation in this crime was over and the first respondent police also filed a final report and the learned Magistrate concerned has taken cognizance of the offence and now the matter is pending in P.R.C.No.28 of 2020 on the file of the learned Judicial Magistrate, Eraniel.

4. Considering the fact that already investigation in Crime No.887 of 2015 has been completed and final report has also been filed and the learned Magistrate concerned has taken cognizance of the offence, at this stage, this Court is of the view that the First Information Report cannot be quashed and hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (LA&M)

// 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.



1.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

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

Order made in
CrI.O.P. (MD) No.17299 of 2016
Dated: **13.08.2020**

VB (21.08.2020) 3P 3C