



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17530 of 2021 and
Crl.M.P.No.9623 of 2021

1.Suyamprakash
2.Divakar

... Petitioners

Vs.

State represented by,
The Inspector of Police,
B-6 Mappedu Police Station,
Thiruvallur District.
(Cr.No.136 of 2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the FIR in Crime No.136 of 2020, dated 27.03.2020 on the file of the respondent.

For Petitioners	: Mr.M.Sankar
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.136 of 2020, dated 27.03.2020, on the file of the respondent Police.

2.The petitioners are A1 and A2 in Crime No.136 of 2020, for offence under Sections 147, 148, 447, 506(ii) of IPC, Section 3 (1) of the Prevention of Damage of Public Property Act, 1984 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

3.The learned counsel for the petitioners submitted that the defacto complainant's son Gulabi @ Prasanth elected as Councillor in Ward-13, Kadambathur Village. When the defacto complainant was at home, due to the election motive, the 1st petitioner instigated his son/2nd petitioner and others, to attack the defacto complainant and her son. The accused had come in four vehicles and attacked them and set fire to the shop and caused damage to the public. This case is highly artificial for the reason that a counter case against the defacto



complainant's son has been registered in Crime No.135 of 2020 on 27.03.2020 as though he attacked the villagers and COVID-19 awareness committee members. In Crime No.135 of 2020, the Village Administrative Officer is the defacto complainant. Hence, the present case has been falsely foisted against the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that it is not the case in counter. The time and date of the occurrence in both the cases in Crime Nos.135 & 136 of 2021 are different. In Crime No.136 of 2021, the investigation completed and charge sheet would be filed shortly. Hence, he prayed for dismissal of the petition.

5.The submissions put forward by the learned counsel appearing on behalf of the petitioners are purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter and it therefore does not fall within the ambit of its jurisdiction under Section 482 of Cr.P.C. Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.

6.In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the respondent Police at this stage. In the result, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
B-6 Mappedu Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.17530 of 2021

SS (CO)
K.RK. (12.11.2021)