



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18721 OF 2021

AND

CRL.M.P.NO.10285 OF 2021

1. T.Selvaraj
2. Thirumalaivasan
3. Rojappu
4. Kaliyaperumal
5. Loganathan
6. Uthaman
7. Senthil @ Senthilkumar

... Petitioners

Versus

The State Rep. By

1. The Inspector of Police,  
Thittacherry Police Station,  
Nagapattinam District.
2. Muthukumar

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in First Information Report in Crime No.781 of 2021 on the file of the Inspector of Police, Thittacherry Police Station, Nagapattinam District as far as the petitioners are concerned and quash the same as abuse of process of law.

For Petitioners : Mr.S.Ravichandran

For Respondents : Mr.R.Vinothraja  
Government Advocate (Crl. Side)  
For R1

ORDER

This Criminal Original Petition has been filed to quash the case in Crime No.781 of 2021 on the file of the first respondent police.



2. The contention of the petitioner is that there is some dispute with regard to the common land, which is adjacent to the defacto complainant's residence. The petitioners and other villagers said to have questioned the defacto complainant and shifted the fence and demarcated the land. Due to which, dispute arose, there was some exchange of glows and hence, the complaint was lodged. The de-facto complainant belongs to opposite political party. Hence, the issue had been politicized, following the same, protest was also held. On 14.07.2021, the mother of the defacto complainant, namely, Pownammal died in suspicious circumstances, which has been now projected as though the petitioners and others have assaulted her and hung her.

3. The learned counsel for the petitioner submitted that the 7<sup>th</sup> petitioner herein is a Police Constable attached to the Vaipoor police station in and far of place and as he was part of investigating team in a murder case, he was never in the scene of occurrence. Since the defacto complainant's political party wanted to implicate all his political rivalries, the petitioners and other villagers have been falsely implicated in this case. He would further submit that with regard to other petitioners, all the petitioners were not at all present in the native village and they were working elsewhere.

4. The learned Government Advocate (criminal side) appearing for the first respondent would submit that investigation is in progress in both the cases. He would further submit that the points raised by the petitioners would be considered during investigation. If the 7<sup>th</sup> petitioner has got tangible materials and evidence to show that he was not present in the scene of occurrence, the 7<sup>th</sup> petitioner to produce the same before the respondent police and the same would be considered. All other petitioners shall also produce necessary documents to prove that they were not present in the village and the same would be considered.

5. Recording the same, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp



To

1. The Inspector of Police,  
Thittacherry Police Station,  
Nagapattinam District.

2. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Ravichandran, Advocate, S.R.No.54428

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CRL.M.P.NO.10285 OF 2021

SS (CO)  
PBS/23/12/2021