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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

Cr1.O.P.No.24170 of 2017
and Cr1.M.P.No.13981 of 2017

1.M.Santhanam
2.S.Suresh Babu
3.Geetharani
4.Usharani
5.Bakiyalakshmi
6.Prabharani
7.Umamaheswari
8.Krishnaveni
9.Ramesh
10.Vimala Bhai
11.Kowsalyadevi

.. Petitioners / Accused1 to 8, 11, 13 & 15

Vs.

1.State Represented by
The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

2.R.S.T.Ramasamy

.. Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the Crime No.522 of 2017 on the file of the Dharapuram Police Station, Tiruppur and quash the same by allowing this Criminal Original Petition.

For Petitioner .. Mr.M.Guruprasad

For R1 .. Mr.E.Raj Thilak
Government Advocate (Criminal Side)

For R2 .. Mr.N.Arunkumar



whether the civil suit which is already pending relates to the subject matter of the land and thereafter, take a considered decision with respect to any further steps to be taken pursuant to the registration of First Information Report.

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6. It is also to be noted that the Investigating Officer may also take into consideration the age of the accused particularly, the petitioners herein and due regard may also be given to the same. The fact that the petitioners claimed that they have purchased the property through Court auction may also be considered by the Investigation Officer. The fact that the re-survey had been done by the revenue authorities may also be considered by the Investigation Officer. After considering all the surrounding factors, let a decision be taken by the Investigation Officer whether to proceed further or not. In this connection, the Investigation Officer may also examine the de-facto complaint and record his statement and come to a just conclusion. These guidelines would protect the present petitioners from any harassment which they apprehend they would face during the course of investigation.

7. With the above observations, the Criminal Original Petition is disposed of, granting liberty to the Investigating Officer to proceed with the investigation in the above said manner and in manner known to law. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

smv

To

The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

+1cc to Mr.M.Guruprasad, Advocate SR.No. 45256

+1cc to Mr.C.Ram Kumar, Advocate SR.No. 45599

CrI.O.P.No.24170 of 2017
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AK II(CO)

A.SK(20.09.2021)