



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Cr1.O.P. No.26734 of 2017

1. T.Prakasam,

2. Pavalakodi

...Petitioners/Accused

Vs.

1. The Inspector of Police,
Sendurai Police Station,
Sendurai, Ariyalur District.
(Crime No.143 of 2017)

...1st Respondents/Complainant

2.Murugesan

...2nd Respondents/De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records concerned in Crime No.143 of 2017 on the file of the Inspector of Police, Sendurai Police Station, Sendurai, Ariyalur District and quash the same.

For Petitioners	:	Mr. C. Prakasam
For Respondent-1	:	Mr. E. Raj Thilak (Counsel for Govt. of T.N.)
For Respondent-2	:	No Appearance

O R D E R

This Criminal Original petition has been filed under Section 482 Cr.P.C. seeking for to call for the entire records concerned in Crime No.143 of 2017 on the file of the Inspector of Police, Sendurai Police Station, Sendurai, Ariyalur District and quash the same.

2. The learned counsel for the petitioner would submit that the dispute between the petitioners and the 2nd respondent was aroused in regard to the land. In this connection, on 03.06.2017, the 2nd respondent along with others trespassed into



the house of the petitioners herein and attacked them by using stick and removed the ear ring and Thali of the 2nd petitioner herein. In this incident, the 1st petitioner sustained grievous injuries and got several fractures in his legs. On hearing the alarm of the petitioners, the Public came into house and rescued the petitioners admitting the petitioners to the Hospital where the petitioners undertook treatment for the injuries sustained in the incident. While the petitioners were undergoing treatment, the respondent police came to the Hospital and obtained statement from the petitioners. After coming to know the above, the 2nd respondent lodged another false complaint against the petitioners who were in the Hospital undergoing treatment. The 1st respondent police registered FIR against the petitioners in Crime No.143 of 2017 and then only the 1st respondent police registered the complaint of the petitioners against the 2nd respondent herein.

3. It has further been submitted that even though the FIR registered in Crime No.144 of 2017 against the 2nd respondent herein and six others for the offences under Sections 147, 148, 448, 323, 324, 427 and 506(ii) of IPC and the 1st respondent police did not investigate the matter and arrest the 2nd respondent herein. On the other hand, the petitioners had been threatened to withdraw their complaint against the 2nd respondent herein.

4. Relying on the Judgement of the Apex Court in the case of "The State of Haryana and others Vs. Bajanlal and others", the learned counsel for the petitioner would submit that the refusal to exercise the jurisdiction may equally result in injustice more particularly, in existing where the complainant sets the Criminal Law in motion with a view to exert pressure and harass the persons arrayed as accused in the complaint. Hence the present Criminal Original Petition has been filed to quash the FIR in Crime No.143 of 2017 on the file of the 1st respondent.

5. The learned Government Advocate (Crl. Side) appearing for the 1st respondent would submit that the petitioners and the 2nd respondent fought each other with regard to the land dispute. In this incident, both were lodging complaint each other and hence, FIR in Crime No.143 of 2017 and 144 of 2017 have been registered against the parties herein.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side).

7. Having considered the aforesaid facts and circumstances of the case, this Court is of the view that the contentions 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.

8. In view of the above, this Court is not inclined to interfere with the investigation conducted by the respondent Police at this stage.

9. In the result, this Criminal Original Petition is dismissed and the respondent Police is directed to proceed further with the investigation in accordance with law and complete the investigation and file a final report or a closure report, as the case may be, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Inspector of Police,
Sendurai Police Station,
Sendurai, Ariyalur District.
2. The Additional Public Prosecutor,
High Court of Madras,
Chennai.

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SSD(CO)
CT(20/09/2021)