



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2021

CORAM :

WEB COPY

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

Crl.O.P. (MD)No.697 of 2021

and

Crl.M.P(MD) .No.310 of 2021

1.K.Sivanantham
2.P.Pushparaj
3.K.Senthilkumar
4.A.Veemaraaj @ Veemarasu
5.R.Jagathisan @ Jagatheesan ... Petitioners/ Accused 1 to 5
Vs.

1.State rep., by
The Inspector of Police,
Orathanadu Police Station,
Orathanadu, Thanjavur District.
(In Crime No.265 of 2019) ... 1st Respondent/ Complainant

2.S.Devaki ... 2nd Respondent/ Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.265 of 2019 on the file of the first respondent/complainant and quash the same.

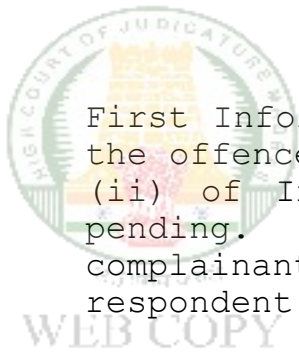
For Petitioner : Mr.K.Kumaravel
For R-1 : Mr.A.Robinson
Government Advocate (Criminal side)

ORDER

The present petition is filed by the petitioner under Section 482 Code of Criminal Procedure to call for the records in Crime No.265 of 2019 on the file of the first respondent and quash the same.

2.The main contention of the petitioner is that the Inspector of Police, Orathanadu Police Station, without ascertaining the fact that the matter in issue is purely civil in nature, foisted a false case against the present petitioner.

3.Mr.A.Robinson, learned Government Advocate (Criminal side), who accepts notice on behalf of the first respondent, on instructions, would submit that based on the complaint lodged by the second respondent (defacto complainant) with the first respondent,



First Information Report in Crime No.265 of 2019 was registered for the offences punishable under Sections 147, 447, 427, 294(b) and 506 (ii) of Indian Penal Code and that the investigation is still pending. His further contention is that, according to the defacto complainant, the petitioners damaged the crops raised by second respondent in her lands.

4.The specific contention of the learned counsel for the petitioners is that the present petitioners are innocent and that they have not committed any offence as alleged by the police.

5.A perusal of the First Information Report reveals that certain cognizable offences are *prima facie* made out against the present petitioners and merely based on the contention of the petitioners that the dispute between them and the defacto complainant is purely civil in nature, the First Information Report cannot be quashed. Therefore, in the facts and circumstances of the case, the Criminal Original Petition is dismissed. However, the first respondent is directed to expedite the investigation in Crime No.265 of 2019 and file a final report within a period of six months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar

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.

To

1.The Inspector of Police,
Orathanadu Police Station,
Orathanadu, Thanjavur District.

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

Crl.O.P. (MD)No.697 of 2021
21.01.2021

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