



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R.THARANI

Crl.O.P.(MD)No.2856 of 2021

and

Crl.M.P(MD).No.1516 of 2021

1.M.Dinesh
2.A.Vinoth Kumar @ Vinoth
3.N.Vellai Pandi
4.K.Singa Durai @ Singaraj

... Petitioners

Vs.

1.The State rep., by
The Inspector of Police,
Bodinayakanur Rural Police Station,
Theni, Theni District.
(Crime No.2221 of 2020)

2.R.Murugeswari

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records relating to the FIR registered in Crime No.2221 of 2020 on the file of the first respondent police insofar as the petitioners are concerned and quash the same as illegal.

For Petitioner : Mr.H.Mohammed Imran

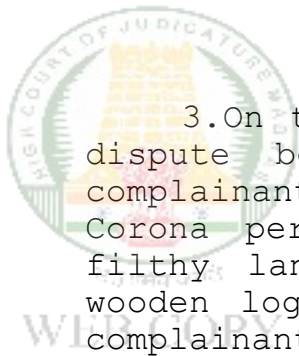
For Respondent No.1 : Mr.S.Chandrasekar

Additional Public PROsecutor

ORDER

This petition is filed to quash the FIR in Crime No.2221 of 2020 on the file of the first respondent police.

2.On the side of the petitioner it is stated that there is a civil dispute between A1 and the complainant. A2 to A5 are not at all available in the occurrence place at the time of occurrence. A2 to A5 are not involved in the case, even the CCTV footage dated 28.09.2020 will reveal that A2 to A5 are not present in the place of the occurrence. The investigation is not proper. The petitioners were working as Wireman in the EB department and on the date of occurrence, the petitioners and others were not available in the station and prayed the FIR to be quashed.



3.On the side of the respondents it is stated that there is a dispute between the petitioners and others with the defacto complainant for dusting bleaching powder over the car during the Corona period. The accused scolded the defacto complainant in filthy language and they attacked the defacto complainant with wooden log and caused injured on the body of the husband of the complainant. There is specific overt act against all the accused. A1 alone was arrested and A2 to A5 are not arrested sofar and prayed the petition to be dismissed.

4.The First Information Report is against five named persons. The petitioners are mentioned as A2 to A5 in the FIR. The involvement of A2 to A5 can be decided only after the examination of witness by the prosecution. Only after the completion of the investigation, the involvement of the accused can be decided.

5.In the above circumstances, there is no merit in the petition filed by the petitioner. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (Crl)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RMK

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,
Bodinayakanur Rural Police Station,
Theni, Theni District.

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

**Order made in
Crl.O.P. (MD)No.2856 of 2021 and
Crl.M.P(MD) .No.1516 of 2021
24.02.2021**

NSM(CO)

SRS (10/03/2021) 2P : 3C

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