



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 05.03.2021

WEB COPY

CORAM

THE HONOURABLE MRS .JUSTICE R.HEMALATHA

CRL OP(MD) . No.3463 of 2021
and
CrI.M.P(MD) .No.1907 of 2021

1.Veeraputhiran
2.Subramanian
3.Sundharam
4.Sundhari

... Petitioners

Vs

1.The State rep., by
The Inspector of Police,
Eral Police Station,
Eral, Thoothukudi District.
(Crime No.495 of 2020)

2.Kayathiri

... Respondents

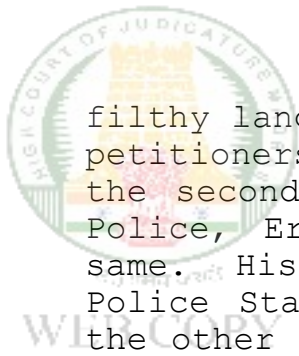
Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the entire records in Crime No.495 of 2020 on the file of the first respondent police and quash the same.

For Petitioners : Mr.G.Gomathi Sankar
For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

The present petition is filed seeking to quash the First Information Report in Crime No.495 of 2020 on the file of the first respondent police.

2.The learned counsel appearing for the petitioners contended that the first petitioner filed a suit in O.S.No.731 of 2017 before the I Additional Subordinate Judge, Tiruchendur with regard to a property in Survey No.355/25 of Sivakalai Village, Thoothukudi District. However, the defacto complainant lodged a complaint with the Inspector of Police, Eral Police Station contending that the petitioners damaged the property to the tune of Rs.30,000 and also threatened her with dire consequences, apart from, abusing her with



filthy language. According to the learned counsel appearing for the petitioners, since the matter in dispute between the petitioners and the second respondent is purely civil in nature, the Inspector of Police, Eral Police Station should not have interfered with the same. His further contention is that the Inspector of Police, Eral Police Station did not consider the petitioners' complaint and on the other hand, registered First Information Report on the basis of the complaint lodged by the second respondent.

3.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice on behalf of the first respondent, on instructions, would submit that the investigation in Crime No.495 of 2020 is underway and the offences alleged against the present petitioners are under Sections 341, 294(b), 427 and 506(ii) of Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

4.A perusal of a copy of the suit in O.S.No.731 of 2017 shows that the suit Survey No is 355/25 of Sivakalai Village. On the contrary, the contention of the learned Additional Public Prosecutor is that the petitioner trespassed into the property of the defacto complainant in Survey No.355/14 of Sivakalai Village. A perusal of the First Information Report also clearly shows that at the pretext of filing a civil suit against the defacto complainant in respect of some other property, the petitioners have allegedly trespassed into the property of the defacto complainant and damaged the same apart from abusing her in filthy language.

5.The First Information Report *Prima facie* shows that there are cognizable offences against the present petitioners and hence, the First Information Report in Crime No.495 of 2020 against the present petitioners cannot be quashed on the grounds raised by the present petitioners.

6. In the decision reported in **2020 SCC online SC 958 in Skoda Auto Volkswagen India Private Limited vs. State of Uttar Pradesh and others**, it has been held thus :

"It is needless to point out that ever since the decision of the Privy Council in King Emperor vs. Khwaja Nazir Ahmed, the law is well settled that Courts would not thwart any investigation. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on. As cautioned by this Court in State of Haryana vs. Bhajan Lal, the power of quashing should be exercised very sparingly and with circumspection and that too in the rarest of rare cases. While examining a complaint, the quashing of which is sought, the Court cannot embark upon an



enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or in the complaint. In *S.M. Datta vs. State of Gujarat*, this Court again cautioned that criminal proceedings ought not to be scuttled at the initial stage. Quashing of a complaint should rather be an exception and a rarity than an ordinary rule. In *S.M. Datta (supra)*, this Court held that if a perusal of the first information report leads to disclosure of an offence even broadly, law courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere."

7. Accordingly, the Criminal Original petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar.

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Eral Police Station,
Eral, Thoothukudi District.

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

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-9339[F] dated 08/03/2021)

CRL OP(MD). No.3463 of 2021
05.03.2021

rmk
AM/29/04/2021/3P/4C