



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.5635 of 2021

and

Crl.M.P (MD) No.3231 of 2021

A.Selvam

...Petitioner

Vs.

1.State Rep. by

The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
Crime No.28 of 2021

...1st Respondent/Complainant

2.Vanathu Paulraj

...2nd Respondent/Defacto complainant

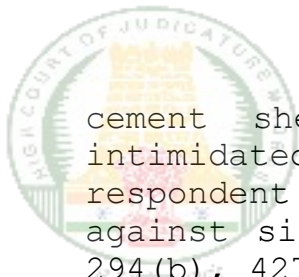
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned FIR in Crime No.28 of 2021 dated 11.02.2021 on the file of the first respondent police and quash the same.

For Petitioner	:Mr.S.Karthick Ramkumar
For R-1	:Mr.R.Anandharaj
	Additional Public Prosecutor
For R2	:Notice was not ordered

O R D E R

This Criminal Original Petition has been filed seeking quashment of the First Information Report in Crime No.28 of 2021, dated 11.02.2021 on the file of the first respondent police and quash the same.

2.The case of the petitioner is that the second respondent, who is the defacto complainant, surveyed the punja land in Survey No.91/14 & 95/15A and 90/10 situated at Thiruvadanai Taluk through the revenue officials for fixing boundary stones. On 16.02.2021, at about 12.00 noon the petitioner and R.S.Mangalam, Surveyor along with some other persons came to the property to survey the land situated in Patta No.91/13A. Instead of surveying the petitioner's property, they have surveyed the defacto complainant's property, which was objected by him. So the accused persons abused him in filthy language and damaged the fence, boundary stones and the cow shed



cement sheets worth about Rs.20,000/-. They also criminally intimidated him. Based upon the complaint given by the second respondent herein, a case in Crime No.28 of 2021 was registered against six persons for the offence punishable under Sections 147, 294(b), 427 and 506(ii) of I.P.C., and the investigation is pending.

WEB COPY

3. Seeking quashment of the First Information Report, this petition came to be filed on the ground that the petitioner is the owner of the property situated in Survey Nos.91/13A, 6//1A, 5/10, 5/6 in Thottamangalam Village, Tiruvadanai Taluk and he requested to the Revenue Official for measuring the property, but the same was not considered. So, W.P(MD) No.2458 of 2020, was filed and the same was disposed of vide its order dated 07.02.2020 with a direction to the Revenue Officials to survey the above lands. There was no action, Cont.P(MD) No.328 of 2021 has been filed by the petitioner and the same was closed on 05.03.2021 stating that the order has been complied with.

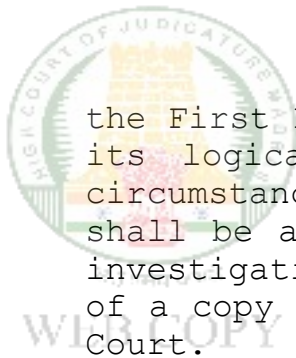
4. According to the petitioner, it is purely a civil dispute, which has been given a criminal colour. A civil suit has also been filed by the defacto complainant in O.S.No.25 of 2021 before the District Munsif Court, Tiruvadanai. On that ground, the petitioner wants quashment of the First information Report.

5. Heard both sides and perused the materials available on record, at the admission stage itself.

6. According to the learned counsel for the petitioner, on the complaint given by the defacto complainant, the present FIR has been registered, which is absolutely false. The civil dispute has been given a criminal colour and the property was measured, only upon the direction given by this Court, by the Revenue Officials and no offence has taken place as mentioned in the First Information Report.

7. According to the learned Additional Public Prosecutor, the investigation is underway and the offence under Section 427 of I.P.C., has also been registered against the petitioner stating that he had damaged the fencing stone and cow shed worth about Rs.20,000/-.

8. The allegation with regard to the damage of the property has been mentioned in the First Information Report and whether that allegation is true or not cannot be drawn at this stage. It is a matter for investigation. Moreover, it is also seen that in respect of the property in Survey Nos.91/15A and 91/14, a civil suit has also been filed by the defacto complainant before the District Munsif Court, Tiruvadanai. In such circumstances, the contention on the part of the petitioner that no such occurrence took place as mentioned in the complaint, cannot be taken into account for quashing



the First Information Report. The investigation has to be pursued to its logical conclusion. But however, considering the facts and circumstances of the case and the dispute between the parties, there shall be a direction to the first respondent herein to complete the investigation within a period of five months from the date of receipt of a copy of this order and file a final report before the concerned Court.

9. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// 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,
Thiruvadanai Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. [MD]No.5635 of 2021
20.04.2021

RP (27.05.2021) P 3C