



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Crl.O.P. (MD)No.8383 of 2021

1. P.Thirumaniraja

2. S.Jegajeevan@Jegatheesan ... Petitioners/Accused No.1 & 2

Vs

1. State: rep. by The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.412/2020) ... 1st Respondent/Complainant

2. The Assistant Commissioner,
Revenue (Charge),
Thoothukudi Municipal Corporation,
Thoothukudi District. ...2nd Respondent/Defacto-complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent to call for the records relating to FIR in Crime No.412 of 2021 sated 29.05.2021 on the file of the Inspector of Police, Thoothukudi South Police Station, Thoothukudi District.

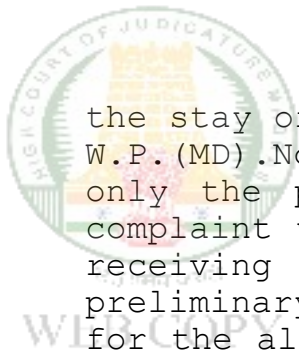
For Petitioner : Mr.A.Sankararamasubramanian,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to call for the records relating to FIR in Crime No.412 of 2021 sated 29.05.2021 on the file of the Inspector of Police, Thoothukudi South Police Station, Thoothukudi District.

2. The case of the prosecution is that on 28.05.2021, some of the persons erected flex board at Chidambaranagar Corporation Market in the name of Merchants and Social Activist of Thoothukudi by condemning the Public Officers of Thoothukudi Corporation, violating



the stay order passed by this Court in W.M.P.(MD).No.7188 of 2021 in W.P.(MD).No.9462 of 2021. During the enquiry, it was suspected that only the petitioners erected the flex board. On that basis, the complaint was lodged on 29.05.2021 against these petitioners. After receiving the same, the first respondent, without conducting preliminary enquiry, has registered a case in Crime No.412 of 2021 for the alleged offences under Sections 448, 353 of IPC and Section 4A(1b) of TN Open Places (Prevention of Disfigurement) Act, 1959 against the petitioners.

3. Seeking quashment of the First Information Report, this petition is filed mainly on the ground that the petitioner is the lessee of the Chidambaranagar Corporation Market, Thoothukudi for collection of rent. The second respondent is the Press Reporter of One Tamil News Channel. There are 60 shops situated in the said market. The Commissioner of Thoothukudi Corporation tried to vacate the shop owners without allotting proper alternative place. Against which, a writ petition has been filed by the first petitioner and stay order was also passed in the writ petition. Even after that, the Commissioner of Thoothukudi Corporation and their sub-ordinates demolished all the shops, by violating the stay order passed by this Court on 12.05.2021. Hence, a contempt petition was also filed before this Court in Cont.P.(MD).No.809 of 2021. To wreck vengeance, a false complaint has been registered.

4. The learned counsel appearing for the petitioners would submit that only based on suspicion, the second respondent gave a complaint against these petitioners and these petitioners are no way involved. He would further submit that they have filed a petition in W.P.(MD).No.9629 of 2020 against the eviction notice and stay order was also passed in the above petition. But violating the above said order, the Corporation Officials evicted the petitioners. So, the contempt proceedings have also been initiated. Due to flex board erected in the name of Merchants and Social Activist of Thoothukudi at Chidambaranagar Corporation Market, these petitioners have been falsely implicated in Crime No.412 of 2021.

5. The learned Additional Public Prosecutor would submit that the investigation is pending and two witnesses have been examined so far.

6. Since the investigation is in the initial stage, truth will come out only at the time of conclusion of the investigation. However, considering the nature of allegation, the first respondent is directed to conclude the investigation within a period of three months from the date of receipt of a copy of this order and file a final report before the concerned Court. After filing the final report, if the petitioners are aggrieved over the same, they can work out their remedy through appropriate proceedings.



7. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (T&P)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

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,
Thoothukudi South Police Station,
Thoothukudi District.
2. The Assistant Commissioner,
Revenue (Charge),
Thoothukudi Municipal Corporation,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.8383 of 2021

Date : 14/09/2021

RK (01.10.2021) 3P 4C