



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

CRL OP (MD) No.10977 of 2021

and CRL MP(MD) Nos.5605 & 5606 of 2021

WEB COPY

1. Velmurugan
2. Kottaiperumal
3. Kannan
4. Muthukumar
5. Munisamy
6. Jeyamaniraja
7. Cherman
8. Subramanian
9. Alaghulingam

... Petitioners/ Accused Nos. 1 to 9
-Vs-

1. The state represented by
Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
In Crime No. 156 of 2020

... Respondent/Complainant

2. Thangapandi

... Respondent/Defacto Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.156 of 2020 on the file of the 1st respondent and quash the same.

For Petitioners	: Mr.N.Suriya Muthu
For R-1	: Mr.R.Meenakshi Sundaram
	Additional Public Prosecutor
For R-2	: Mr.R.Maheswaran

O R D E R

This petition is filed seeking quashment of First Information Report in Crime No.156 of 2020 on the file of the 1st respondent police.

2. The case was registered for the offences punishable under Sections 457 and 380 IPC on the basis of the complaint given by one Thangapandi, who is the second respondent herein.

3. When the matter was taken for hearing on 09.08.2021, it was submitted by the learned counsel for the petitioner that there are two rival groups operating in the village in respect of temple administration a peace committee meeting was conducted on 23.10.2019 but no compromise was reached and subsequent to the aforesaid peace



committee meeting a false complaint has been lodged as if the above occurrence took place.

4. The learned Additional Public Prosecutor would submit that property has been recovered and it was not handed over to the concerned court and on that ground notice is ordered to the private respondent namely the second respondent and he has entered appearance through a counsel. The learned counsel for the second respondent would submit that since there is specific allegation of house breaking and theft, it is a matter for investigation and no ground has been made for quashment by the petitioner.

5. The learned Additional Public Prosecutor would submit that omnibus prayer has been sought for in this petition with regard to Section 457 Cr.P.C proceedings and no such prayer will lie before this Court. If the petitioner has any objection with regard to the return of vehicle or otherwise, he has to appear before the trial court and make his objections as and when the petition is filed by the second respondent. However, with regard to the quashment of the First Information Report is concerned, since there is specific allegation that house breaking and theft, the matter has to be thoroughly investigated by the police.

6. The learned counsel for the petitioner would submit that during the relevant time key was in the hands of a particular person and without his knowledge they would not have been broke open. It is also matter for investigation. Since two groups are operating in the village with regard to the administration of the temple, the quashment of the First Informatio Report at the initial stage may not be proper. Let investigation be completed in this matter and final report shall be filed by the first respondent within a period of 4 months from the date of receipt of a coy of this order since it is submitted that the property has already been recovered. Except that. no relief can be granted by this Court to the petitioner in this matter. Accordingly, this petition deserves dismissal and the same is dismissed with the above direction to the first respondent. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cm

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.

<https://hcservices.courtsofmadras.gov.in/hcservices/>



To

1. The Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Section officer,
Criminal Section,
Madurai Bench Of Madras High Court, Madurai.

+1 CC to M/s.N.SURIYA MUTHU, Advocate (SR-30752[F] dated 30/09/2021)

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RD(12.10.2021) 3P 5C