



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19334 of 2021
and
Crl.M.P. (MD)No.10783 of 2021

V.Sivakumar ... Petitioner/ Accused No.3
Vs.

1.The Inspector of Police,
Medical College Police Station,
Thanjavur.
(Crime No.1217 of 2021) ...1st Respondent/ Complainant

2.The Assistant Engineer,
5th Section,
Thanjavur Corporation,
Thanjavur. ... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the FIR in Crime No.1217 of 2021 on the file of the Inspector of Police, Medical College Police Station, Thanjavur, the petitioner concerned.

For Petitioner : Mr.N.Manoharan
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

This criminal original petition has been filed for quashing the impugned FIR in Crime No.1217 of 2021 registered on the first respondent for the offences under Section 420 of IPC and Section 3 (1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992.

2.The second respondent lodged the information to the first respondent on 24.10.2021 that the petitioner herein had damaged public property and un-authorisedly given drainage connection. It has been further alleged that the caution deposit and user charges payable to the corporation have also not been paid.

3.The learned counsel for the petitioner reiterated the
<https://hcservices.ecourts.gov.in/hcservices/>



contentions set out in the memorandum of grounds and called upon this Court to quash the impugned FIR.

4.The contention of the petitioner that Section 420 of IPC may not appropriate does find favour with me. But on this sole ground, I cannot quash the impugned FIR. The case is still at a preliminary stage and if the first respondent comes to the conclusion that Section 420 of IPC is not made out, he will definitely omit the section while filing the final report. The petitioner states that no public property was damaged while giving drainage connection. This assertion is controverted by the investigation officer. At this stage, I will not be justified in going into the factual aspects.

5.With the aforesaid observation, the criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Medical College Police Station,
Thanjavur.
- 2.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD)No.19334 of 2021
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RD(21.12.2021) 2P 3C