



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.3790 OF 2022

AND

CRL.M.P.NO.1815 OF 2022

1. Sampath
2. Rajesh
3. Rajasekar
4. Vasanth
5. Tamilselvi

... Petitioners/Accused
1 to 5

.Vs.

1. The State Rep. by
The Inspector of Police,
Santhavasal Police Station,
Tiruvannamalai District.
(Crime No.991 of 2021).

... 1st Respondent/Complainant

2. Sasi Kumar

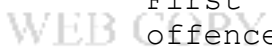
...2nd Respondent/Defacto
Complainant

PRAYER:-

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to call for the records in connection with the impugned FIR in Crime No.991 of 2021 on the file of the 1st Respondent and quash the same.

For Petitioners : Mr.N.P.Siva Chakravarthy

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R1



ORDER

This Criminal Original Petition has been filed to quash the First Information Report, in Crime No.991 of 2021 for the offences under Section 294(b), 324, 323 & 506(1) of IPC.

2. The case of the prosecution as per the defacto complainant/Sasi Kumar is that there was a dispute between him and his adjacent land owner Sampath/1st petitioner herein. While so, the 1st accused had measured his land with the help of surveyor and had put up survey stones. The 1st & 3rd accused had removed the survey stones and on 09.12.2021, at about 8.00 a.m. when the defacto complainant had questioned them about the same, the accused joined together and threatened him with iron rod and trespassed into the property of the defacto complainant and assaulted him. Based on the complaint given by the Sampath/defacto complainant, a case was registered in Crime No.991 of 2021.

3. The learned counsel appearing for the petitioners would submit that even after the complaint, there was enmity between the defacto complainant and the family of the petitioners with regard to boundaries and the false complaint has been given against the petitioners. The reading of the complaint, does not make out a case for offences under Sections 294(b), 324, 323 & 506(1) of IPC. He would further submit that on the complaint given by the 1st petitioner, the counter case in Crime No.990 of 2021 has been registered with the respondent/Police against the defacto complainant and his family members for the offences under Sections 294(b), 324, 323 and 506(1) of IPC.

4. The Learned Additional Public Prosecutor would submit that the investigation is at initial stage in this case and there is a case in counter. The family members of the petitioner and the defacto complainant have enmity with regard to the boundaries of the property. He further submits that based on the complaint given by the petitioners, the case in Crime No.990 of 2021 has been registered by the respondent/Police. He would submit that the respondent/Police are conducting enquiry in both the cases, in accordance with the Police Standing Orders 588 and they would file the final report. He further submits that the grounds raised by the petitioners are factual in nature.

5. Heard the learned counsel on either side and perused the materials available on record. The grounds raised by the petitioner are factual in nature.

6. It is seen from the First Information Report that there are specific allegation as against the petitioners, which has to



be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7. However, directions are issued to the respondent/Police to complete the investigation in Crime Nos.990 and 991 of 2021 in accordance with the Police Standing Orders and complete the investigation and file a final report, as expeditiously as possible, preferably within a period of three (3) months, from the date of receipt of a copy of this Order.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Pns/impl

To

1. The Inspector of Police,
Santhavasal Police Station,
Tiruvannamalai District.
2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.N.P.Siva Chakravarthy, Advocate, S.R.No.11241

CRL.O.P.NO.3790 OF 2022 AND
CRL.M.P.NO.1815 OF 2022

MG(CO)
PBS/17/03/2022