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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3215 of 2022

and

Crl.M.P.No.1469 of 2022

1. M.Prabu
2. Manokaran
3. Deivamani
4. Muruganantham
5. Manikandan

... Petitioners/Accused 1 to 5

Vs.

1. The Inspector of Police,
Keelapalur Police Station,
Ariyalur District.

... 1st Respondent/Complainant

2. S.Kumutha

... 2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records of in Crime No.240 of 2019 on the file of the first respondent and quash the FIR.

For Petitioners

: Mr.N.S.Sivakumar

For R1

: Mr.A.Gokulakrishnan

Additional Public Prosecutor

O R D E R

The petition has been filed to call for the records and quash the FIR in Crime No.240 of 2019 on the file of the first respondent.

2. Learned counsel for the petitioners would submit that while, the petitioners were clearing the running water stagnated in front of their house on 31.01.2019 at 1.00 p.m, the second



respondent questioned the same and also assaulted the petitioners and their grand mother. On the complaint given by the petitioners' grand mother, the case was registered against the second respondent in Crime No.239 of 2019, for the offences under Sections 294(b), 336, 323, 506(2) IPC and under Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. The petitioners are the victims, whereas, a counter complaint has been lodged by the second respondent against the petitioners, based on which a case has been registered in Crime No.240 of 2019 under Sections 147, 148, 294 (b), 324, 506(2) of IPC 1860 and Under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and under Section 3 of TN Public Property (Prevention of Damage and Lostt) Act, 1992, which is absolutely false.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the grounds raised by the petitioners are factual in nature. He would further submit that the petitioners and the defacto complainant/second respondent are neighbours and there was a dispute between them, during which both the parties assaulted each other. Based on the complaint given by the petitioners, a case was registered in Crime No.239 of 2019 and on the complaint given by the second respondent, a counter case in Crime No.240 of 2019 has been registered by the first respondent. He would also submit that the first respondent is conducting investigation in both the cases and final reports in both the cases will be filed soon.

4. Heard the learned counsel and perused the materials available on record.

5. 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. Therefore, it cannot be quashed on 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.

6. In view of the above, this Court is not inclined to quash the FIR in Crime No. 240 of 2019. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is also closed. Further, the first respondent police is directed to investigate both the cases viz., Crime Nos. 239 & 240 of 2019 and file the final report as



expeditiously as possible, preferably within a period of three months from today.

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Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rgi/ham

To

1. The Inspector of Police,
Keelapalur Police Station,
Ariyalur District.
2. The Public Prosecutor,
High Court,
Madras.

+1cc to M/s.N.S.Sivakumar, Advocate, S.R.No.10907 (11/03/2022)

Cr1.O.P.No.3215 of 2022
and Cr1.M.P.No.1469 of 2022

GJ(CO)
SU(17/02/2022)