



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

WEB COPY

CORAM:
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
Crl.O.P. No.7452 of 2019
and
Crl.M.P.No.4110 of 2019

1.A.Madheswaran
2.K.Viswanathan
3.K.Palaniappan
4.A.Eswaran

.. Petitioners/Accused

Vs.

1.The State of Tamil Nadu,
Rep. By the Inspector of Police,
Sooramangalam Police Station,
Salem City.

..1st Respondent/Complainant

2.A.Ramakrishnan

..2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to Crime No.1227 of 2018 on the file of the Inspector of Police, Sooramangalam Police Station, Salem City, and quash the same.

For Petitioner : Mr.A.Saravanan
For Respondent : Mr.N.S.Suganthan for R1
Government Advocate (crl side)
Mr.A.M.Esakkiappan for R2

ORDER

This Criminal Original Petition is filed to quash the F.I.R. pending on the file of Sooramangalam Police Station.

2.On the complaint given by one Ramakrishnan alleging the petitioners that on 13.10.2018 at about 11.30 p.m., the accused persons forcibly entered into godown let out by him to one Elumalai and damaged the godown and stolen the article worth about Rs.2,50,000/-, and theft electrical goods and cash Rs.20,000/-. This complaint was forwarded by the learned Judicial Magistrate under Section 156(3) of Cr.P.C. and based on the orders of the Judicial Magistrate, the respondent police have registered the case in Crime No. 1227/2018 dated 23.12.2018.

3.Learned counsel for the petitioners would state that there is a land dispute between the petitioners and the defacto complainant. As far as the land of the defacto complainant, where the alleged godown is in Survey No.90/5 whereas Survey No.90/6, which is adjacent to the land of the



defacto complainant, an Ayyanar Temple is located which is managed by the petitioners herein. Since the defacto complainant attempted to encroach upon the temple land, that was resisted by the petitioners herein. A civil suit in O.S.No.720 of 2016 and 698 of 2016 are pending on the file of the Additional District Munsif, Salem. In the Interlocutory Application filed in O.S.No.698 of 2016 for the appointment of Advocate Commissioner, reports have already been filed and those allegations made in the complaint found to be false as per the Commissioner's report. Therefore, the false complaint filed against the petitioner is to be quashed.

4. On perusal of the record, this Court finds that the Advocate Commissioner's report, which was appreciated by the Civil court regarding the alleged demolition of the godown, can have little bearing in the criminal investigation, when the allegation is not only regarding the demolition of the godown but also the theft of articles and cash. It is for the Investigation Agency to conduct fair investigation and find out the truth and file the final report.

5. No doubt, there is a civil dispute between the defacto complainant and the petitioners and the proceedings are pending before the Court. The same shall also be taken note of by the Investigating Officer in the course of investigation. The respondent police is directed to complete the investigation within a period of three months from today and proceed in accordance with law.

6. In the result, the criminal original petition is disposed with the above direction and the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vri

To

1. The Inspector of Police,
Sooramangalam Police Station,
Salem City.

2. The Public Prosecutor,
Madras High Court.

+1 cc to Mr.A.Saravanan, Advocate Sr.NO. 33379

+1 cc to Mr.A.M.Esakkiappan, Advocate Sr.NO. 33334

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nrjk(CO)

A.SK(01/07/2022)