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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.18623 of 2018 &

Crl.M.P.No.9821 of 2018

1. B.Senthilkumar
2. R.Dhakshinamurthy
3. Palani
4. Munusamy

... Petitioners

Vs

1. The State rep. by
The Inspector of Police,
Polur Police Station,
Tiruvannamalai.
(Crime No.404 of 2018)

2. K.Gobinath

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the F.I.R. in Crime No.404 of 2018 on the file of the 1st respondent Police and quash the same by allowing this Criminal Original Petition.

For Petitioners: Mr.R.T.Vishnu
for Mr.N.Manokaran

For Respondents: R1 - Mr.R.Kishore Kumar,
Government Advocate (Criminal Side)

R2 - Mr.S.Silambu Selvan

O R D E R

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.404 of 2018 on the file of the 1st respondent Police registered against the petitioners for the offences punishable under Sections 294(b), 342, 353 and 506(i) of IPC.



2. The allegation in the F.I.R. indicates that the defacto complainant is a practicing advocate. At the instruction of his Senior, the said defacto complainant went to Forest Range Office to enquire about the case filed against one Elumalai on 27.05.2018. At that time, the said Elumalai appears to have told him that he has not engaged the defacto complainant and asked him to go out. At the same time, the accused / Forest Range Officials abused him and caused a physical assault. Thereby, committed an offence under Sections 294(b), 342, 353 & 506(i) of IPC which has been registered as a case in crime No.404 of 2018.

3. It is the contention of Mr.R.T.Vishnu, learned Counsel appearing for the petitioners that in order to coerce the forest officials, a false complaint has been lodged by the practicing advocate. In fact, on the basis of the statement of the forest officials a case in crime No.401 of 2018 has been registered against the defacto complainant for the offences under Sections 294(b), 342, 353 & 506(i) of IPC. Only as a counter blast to the crime No.401 of 2018, the present F.I.R. has been filed with false allegations. Hence, sought to quash the F.I.R.

4. When the initiation of the F.I.R. appears to be motivated and after thought, the Court can prevent such abuse of process of law in the initial stage itself. The allegation itself indicates that the defacto complainant went to Forest Range Office to appear on behalf of one of the accused Elumalai who was booked for various offences. When he entered Forest Range Office on behalf of the said accused Elumalai, the said Elumalai himself challenged the defacto complainant. There appears to be the some altercation took place. Hence, all the forest officials have been implicated.

5. It is relevant to note that the first F.I.R. came to be filed against the present defacto complainant by the forest officials for abusing them in their office and the F.I.R. has been registered on 27.05.2018 whereas the present F.I.R. was registered on 28.05.2018. That itself clearly indicates that it is an after thought and only as a counter blast to the earlier complaint lodged by the forest officials. At any event, the allegation in the F.I.R. itself is general in nature and appears to be motivated against the forest officials who discharged their official duty. Such being the case, this Court is of the view that continuation of investigation is nothing but abuse of process of law and hence, the F.I.R. has to be quashed.

6. Accordingly, this Criminal Original Petition is allowed



and the F.I.R. in Crime No.404 of 2018 on the file of the 1st respondent Police has been quashed. Consequently, connection miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

vrc / kbs

To

The Inspector of Police,
Polur Police Station,
Tiruvannamalai.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.5360

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PL (CO)
SU (10/02/2022)