



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.25091 of 2021
and
CrI.M.P.No.13821 of 2021

1.K.Chinnusamy
2.Thangaraj

...Petitioners

Vs.

1. State by Inspector of Police,
Mecheri Police Station,
Salem District.

2. Mathaiyan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the First Information Report pending on the file of the 1st Respondent police in Crime No.653 of 2020 dated 08.06.2020.

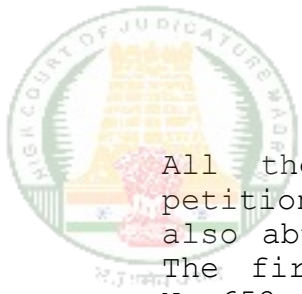
For Petitioners : M/s.Karan and Uday

For 1st Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records and quash the First Information Report, pending on the file of the first respondent police in Crime No.653 of 2020, dated 08.06.2020.

2. The petitioners who are accused in crime No.653 of 2020, for offences under Sections 294(b), 323 & 506(1) IPC, have filed this petition. The first petitioner being an activist, against the encroachment of Highway road, had filed a Public Interest Litigation petition, in W.P.No.16720 of 2019, complaining that the defacto complainant in this case and others have encroached into the Salem to Mettur and Mettur to Salem Highway and put up shops near a temple and obtained favourable orders. Thereafter, the authorities were complaisant and no action has been taken to remove the encroachment. The first petitioner later filed a contempt petition and thereafter only the encroachment were removed. The defacto complainant in this case was also evicted.



All the evicted persons joined together and attacked the petitioners on 07.06.2020, near Mecheri market in public and also abused and assaulted them and also poured cowdung on them. The first petitioner lodged a complaint and a case in Crime No.652 of 2020 registered against those persons including the defacto complainant in this case. Coming to know about the registration of the case, defacto complainant/A4, in Crime No.652 of 2020 lodged a complaint as though the petitioners have used abusive words, attempted to attack and threaten him. This occurrence is said to have been taken place on the same day within half an hour. According to the petitioners, to escape from the offence of attacking the petitioners, FIR against the petitioners had been registered. The respondent police also not properly conducted the enquiry and registered the FIR against the petitioners.

3.The learned Additional Public Prosecutor submits that in this case, there is a case in counter. On the complaint of the first petitioner, a case in Crime No.652 of 2020 registered and on the complaint of the defacto complainant, a case in Crime No.653 of 2020 registered. He further submitted that both cases are being investigated and following the Police Standing Order No.588, both cases would be dealt with.

4.In view of the same, the Inspector of Police, Mecheri Police Station, Salem District, to consider the first petitioner's effort in removing the encroachment by filing a public interest litigation petition in W.P.No.16720 of 2019. Further, he has taken all steps and pursuant to that encroachment have been removed. The defacto complainant in this case and others are evicted persons due to the action taken by the first petitioner. This fact to be considered while conducting investigation. Further, the petitioners complaint is at earlier point of time and the assault on the petitioners had taken place in the public. All these facts to be considered and if the complaint against the petitioners appears to be false and motivated, appropriate steps to be taken.

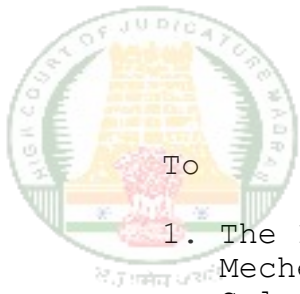
5.Recording the same, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sli



To

1. The Inspector of Police,
Mecheri Police Station,
Salem District.

2. The Public Prosecutor,
High Court Madras.

+1cc to M/s.Karan and Uday, Advocate, S.R.No.5487

Crl.O.P.No.25091 of 2021
and
Crl.M.P.No.13821 of 2021

KG(CO)
RGA(28/02/2022)