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Crl.O.P.No.25731 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.25731 of 2022

and

Crl.M.P.No.15927 of 2022

1.U.S.Palanivel

2.K.Vijaylakshmi

3.Nithya

... Petitioners

Vs.

1.The State represented by,
The Inspector of Police,
Malayampalayam Police Station,
Erode District.
Crime No.106 of 2022.

2.Rajkumar

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the Crime No.106 of 2022 on the file of the Malayampalayam Police Station, Erode District and quash the same.

For Petitioners : Mr.M.Guruprasad

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.106 of 2022 on the file of the first respondent for the offences punishable under Sections 294(b), 427 & 506(2) of IPC.

2.The learned counsel for the petitioners submitted that the allegation as stated in the FIR is false. The third petitioner is residing at Chennai and not residing at the place as alleged by the prosecution. The very same delay in lodging the FIR, creates a suspicious circumstances. Therefore, no such offence is made out as stated in the FIR. Hence, the present petition has been filed.

3.The learned Government Advocate (crl.side) appearing for the first respondent submitted that in this case, investigation is under progress.

4. I have considered the matter in the light of the submission made by the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the first respondent.



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5. On perusal of records, it is seen that the first respondent police registered a case against these petitioners in Crime No.106 of 2022 for the offences punishable under Sections 294(b), 427 and 506(ii) of IPC. On perusal of FIR, it is seen that on 25.06.2022, the occurrence took place and there is an enmity between the complainant and the petitioners since the complainant purchased the property for higher value from his vendor and thereby, prevented the accused from purchasing the property. Therefore, the petitioners and the others, damaged the water pipeline in Survey Nos.688/9, 688/5,6,7, 688/8, 207 & 208 respectively by using JCB. Thereafter, the defacto complainant rectified by spending Rs.98,000/- to place PVC pipe, which was also damaged by the petitioners/accused and also assaulted the defacto complainant with stones and criminally intimidated him. The FIR discloses cognizable offences, which has to be investigated and the investigation is at the beginning stage. Therefore, it does not meet the parameters laid down by the Supreme Court in ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)***, ***M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315)*** & ***PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrI.L.J.817)***, the matter has to be investigated to find out the truth. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore I find no merit and investigation is to be conducted to find out the truth.



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V.SIVAGNANAM,J.

shk

6. With the above direction, this Criminal Original petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

26.10.2022

Internet:Yes/No

Index:Yes/No

Speaking/Non speaking order

shk

To

1.The Inspector of Police,
Malayampalayam Police Station,
Erode District.

2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.25731 of 2022
and
Crl.M.P.No.15927 of 2022