



Crl.O.P.No.27907 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.27907 of 2022
and Crl.MP.No.17145 of 2022

1. Ramesh
2. P.S.Deivaraj

... Petitioners

Vs.

1. State rep.by
The Inspector of Police
Thiruchengodu Rural Police Station
Thiruchengodu
Namakkal District.
Crime No.77 of 2022

2. Mani
Respondents

...

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records and quash the proceedings against the
petitioners/accused A1 and A2 in Crime No.77 of 2022 dated 02.03.2022
pending on the file of the 1st respondent police.

For Petitioners : Mr.C.S.Saravanan

For Respondents : Mr.S.Santhosh
Govt. Advocate (Crl. Side) for R1



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ORDER

This petition has been filed to call for the records and quash the proceedings against the petitioners/accused A1 and A2 in Crime No.77 of 2022 dated 02.03.2022 pending on the file of the 1st respondent police.

2. The case of the prosecution is that the defacto complainant is the President of Ilayaperumal Neertru Pasana Sangam and before 20 years water pipes are laid out from the main distribution tank to the agricultural fields of the farmers and one of the water pipeline is running through Survey no.4/4A in Pirithi Village that belongs to one P.K.Muthusamy and the said P.K.Muthusamy had settled the property to his daughter Mohana who is the wife of the second petitioner and the first petitioner entered into a sale agreement with the said Mohana. While so, when the petitioners were levelling the land for commercial purposes they came to know during the survey about the water pipe running through the land and the petitioners are alleged to have ordered the defacto complainant and others to remove the water pipes. The defacto complainant and others asked for time to remove the water pipes but the petitioners damaged the pipes on



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20.02.2022 using JCB and when it was questioned they threatened the defacto complainant through third parties. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners have not intentionally damaged the pipe lines as stated in the FIR. Neither the erstwhile owner nor the first petitioner had knowledge that there was a water pipe running under the ground which was illegally laid before 30 years without any oral or written consent. He further submitted that a counter complaint has been lodged by the petitioners against the second respondent, based on which a case has been registered in Crime No.119 of 2022 under Sections 294(b), 447, 506(1) of IPC.

4. The learned Government Advocate (Crl.side) submitted that there was a property dispute between the petitioners and the defacto complainant. Based on the counter complaint given by the petitioners, a case was registered in Crime No.119 of 2022 against the second respondent and the case is under investigation.

5. Heard both side and perused the materials available on record.



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6. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such, this Court cannot interfere with the investigation. 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 Cr.L.J.817)*. It is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore I find no merit and investigation in this case is to be conducted to find out the truth.

7. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Speaking/Non speaking order
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V. SIVAGNANAM, J.

dpq

To

1. The Inspector of Police
Thiruchengodu Rural Police Station
Thiruchengodu
Namakkal District.
2. The Public Prosecutor,
High Court of Madras.

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