



WEB COPY



Crl.O.P.No.28148 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.28148 of 2022
and Crl.MP.No.17314 of 2022

1. Lokeshwari
2. Sornammal
3. Sengottaian
4. Magesh
5. Gopal
6. Muthu @ Mani
7. Somu

... Petitioners

/vs/

1. State rep.by
The Inspector of Police
Malayampalayam Police Station
Erode District
Crime No.221 of 2022

2. Subathra

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records pertaining to the first information report in Crime No.221 of 2022 dated 22.10.2022 on the file of the respondent police and quash the same.



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For Petitioners ... Mr.G.Pavendhan
For Respondents ... Mr.S.Santhosh
Govt. Advocate (Crl.side) for R1

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the first information report in Crime No.221 of 2022 dated 22.10.2022 on the file of the respondent police and quash the same.

2. The case of the prosecution is that there is a property dispute between the defacto complainant and the petitioners. Due to land dispute, the petitioners threatened the defacto complainant and assaulted him. Hence a case was registered by the first respondent police against the petitioners in Crime No.221 of 2022 under Sections 147, 148, 294(b), 341, 323 and 506(i) of IPC.

3. The learned counsel for the petitioners submitted that the defacto complainant and the petitioners are relatives. There is a civil dispute pending between the complainant and the petitioners in which, an order of interim



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injunction has been granted by the District Munsif Court on 01.08.2022 in

M.P.No.2 of 2022 in O.S.No.233 of 2021 against the defacto complainant.

The defacto complainant suppressed the above said fact and gave a complaint against the petitioners. The respondent police has no power to interfere with the civil disputes between the defacto complainant and the petitioners. He further submitted that a complaint was also given against the defacto complainant by the petitioners herein and the same was registered in Crime No.222 of 2022 for the offences under Section 294(b), 323, 324 and 506(i) of IPC. Hence he pleaded to quash the First Information Report in Crime No.221 of 2022.

4. The learned Government Advocate (Crl.side) submitted that both the petitioners and the defacto complainant gave complaint against each other and both the complaints have been registered in Crime No.221 of 2022 and Crime No.222 of 2022 respectively for the offences under Section 147, 148, 294(b), 341, 323 & 506(i) of IPC and 294 (b), 323, 324 & 506(i) of IPC and the case is under investigation and Wound Certificate is awaited from the hospital.



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WEB COPY 5. Heard both sides and perused the materials available on record.

6. A perusal of the First Information Report reveals that on 22.10.2022, while the defacto complainant is making arrangement for agricultural work, the petitioners assaulted the defacto complainant and also abused him in filthy language, due to which, the defacto complainant sustained injuries; thereafter he went to Government Hospital, Erode for treatment and later he was admitted in Kalyani Hospital, thereafter she gave complaint against these petitioners. Further it is to be noted that these petitioners also gave a complaint against the defacto complainant on 22.10.2022 for the offence under Section 294(b), 323, 324, 506(i) of IPC. Both the cases are under investigation. Contents of FIR prima facie discloses that a cognizable offence is made out and investigation has to be conducted to find out the truth. 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*



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Vs.SURAJ KUMAR & ANR (1985 Cr.L.J.817). In view of the above, it is

inappropriate to quash the FIR in Crime No.221 of 2022 and close the investigation at the beginning stage. Therefore, I find no merits in the case of the petitioner and investigation has to be conducted to find out the truth.

7. Accordingly, the Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

17.11.2022

Index:Yes/No

Speaking/Non speaking order

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V. SIVAGNANAM, J.

dpq

To

1. The Inspector of Police
Malayampalayam Police Station
Erode District
2. The Public Prosecutor,
High Court, Madras.

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