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CrI.O.P.No.30146 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30146 of 2022

&

CrI.M.P.No.18471 of 2022

1.K.R.Ponnusamy

2.P.Suresh Kumar

... Petitioners

Vs.

1.State rep. By,
Inspector of Police,
Avinashi Police Station,
Avinashi, Tiruppur District.
(Crime No.343 of 2022)

2.Kuppusamy.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to FIR in Crime No.343 of 2022 on the file of 1st respondent and quash the same in respect of the petitioners.

For Petitioners : Mr.V.Ramamurthy
For Respondents : Mr.S.Santhosh (For R1)
Government Advocate (crl.side)



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Crl.O.P.No.30146 of 2022

ORDER

This Criminal Original Petition has been filed to call for the records relating to FIR in Crime No.343 of 2022 on the file of 1st respondent and quash the same in respect of the petitioners.

2. The learned Counsel for the petitioners submitted that there is a case registered already on the basis of the complaint given by one Sathish Kumar in Crime No.346 of 2022 in Avinashi Police Station against 5 unnamed accused. He also submitted that from the year 2021, there is a property dispute between the *de-facto* complainant and the accused. On 15.09.2021, the Revenue Divisional Officer passed an order in Na.Ka.No.2458/2020/A1, in a dispute between the parties in connection with the land. The present complaint in Crime No.343 of 2022 Avinashi Police is a fabricated false complaint due to previous enmity, therefore it has to be quashed.

3. The learned Government Advocate (Crl.side) submitted that cognizable offence is made out against the petitioners and that investigation in



Crl.O.P.No.30146 of 2022

this case is pending. He further submitted that A1 sold the property to one Subramani for Rs.20,00,000/- in the year 2000. Thereafter Subramani sold the property to the *de-facto* complainant. Because of the increase in the value of the property, the petitioners have tried to take possession of the property by force.

4. In response, the learned counsel for the petitioners submitted that the petitioners' pals have filed two suits in O.S.No.242 of 2016 on the file of the learned Sub-Ordinate Judge, Tiruppur and O.S.No.137 of 2020 on the file of the learned District Munsif, Avinashi, against the *de-facto* complainant and others and those suits are pending. The pendency of the suit is also a cause for giving false complaint against the petitioners.

5. Considered the rival submissions and perused the materials on record. Reading of the First Information Report shows that at about 02.30 a.m., on the date of occurrence, on the instigation of the 1st petitioner/Ponnusamy, more than 10 persons trespassed into the property of the *de-facto* complainant indulged in physical violence causing destruction/damage to the properties. In the incident, some persons suffered injuries. The injured are watchman



Crl.O.P.No.30146 of 2022

Kuppusamy, Ajith Kumar, Ranjith, Chandru, Ibramsha and Prathap. It is also alleged that car bearing registration No.TN 39 BQ 6363, Auto bearing registration No.TN 39 BH 1828 and two-wheeler bearing registration No.TN 51 A 4450 had been damaged along with other properties.

6. At this stage, this Court cannot look into the merits or demerits, truth or falsity of these allegations. Only during the investigation truth or otherwise of rival claims would be known to the Investigating Officer. Therefore, it is too early to seek for quashing the First Information Report.

7. With the above, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the police is directed to look into the genesis of the dispute i.e., property dispute during the course of the investigation.

07.12.2022

Index:Yes/No
Speaking/Non speaking order

mpl



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Crl.O.P.No.30146 of 2022

G.CHANDRASEKHARAN.J.,

mpl

To,

- 1.The Inspector of Police,
Avinashi Police Station,
Avinashi, Tiruppur District.
- 2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.30146 of 2022

&

CrL.M.P.No.18471 of 2022

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