



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.1008 of 2022

and

Crl.M.P. (MD) No.715 of 2022

WEB COPY

1.Karthikaiselvi
2.Packiyalakshmi
3.Kaleeswari

... Petitioners/Accused Nos.2 to 4

Vs.

1.The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.

2.Thangavel

... Respondents/Complainants

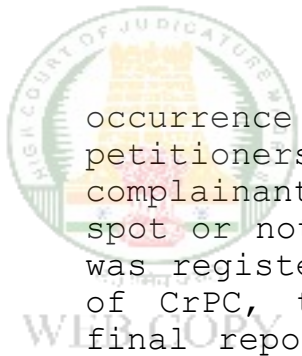
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the impugned FIR in Crime No.52 of 2021 on the file of the 1st respondent police and quash the same as illegal insofar as the petitioners are concerned.

For Petitioners : Mr.A.Mohan
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side) for R1.

O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the first respondent. Considering the nature of relief to be granted, issuance of notice to the defacto complainant is dispensed with.

2.The petitioners seek quashing the impugned FIR insofar as they are concerned. The petitioners are daughters of the first accused namely, Mr.Muthaiah. Mr.Muthaiah is said to have sold a piece of land in favour of the brother of the defacto complainant under Document No.229 of 2016. Thereafter, dispute had arisen between Mr.Muthaiah and the defacto complainant with regard to usage of pathway. Mr.Muthaiah has also filed a civil suit before the jurisdictional Civil Court and it is pending. In the meanwhile, complaint and counter complaint has been lodged by either side. In the impugned FIR, the petitioners have been shown as A2, A3 and A4. The petitioners' counsel would point all the three daughters already got married and while first petitioner is settled in Coimbatore, the second petitioner is settled in Aruppukottai, the third petitioner is settled in Tiruppur. None of them were even present in the



occurrence spot. According to the petitioners' counsel, the petitioners have been unfairly implicated by the defacto complainant. Whether the petitioners were present in the occurrence spot or not is a matter for investigation. Merely because the FIR was registered pursuant to the direction given under Section 156(3) of CrPC, the investigation officer will not mechanically file a final report in favour of the defacto complainant. Based on the investigation, the final report will be filed. Therefore, the petitioners need not have any apprehension on that score. The investigation officer shall carefully enquire and investigate, if really the petitioners were present in the occurrence spot or not. Since such a clarification has been issued, the petitioners did not have any apprehension. If any adverse final report is filed, it is always open to the petitioners herein to move this Court challenging the final report.

3.This criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD)No.1008 of 2022
21.01.2022

RK(07/02/2022) 2P 3C