



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.5495 of 2022

and

Crl.M.P(MD) No.3906 of 2022

1.E.Pitchai
2.P.Pandiyammal
3.P.Muthukalai

...Petitioners/Accused 1, 2 & 3

Vs.

1. The State of Tamil Nadu,
Rep. by The Inspector of Police,
Vikkaramangalam Police Station,
Madurai District.
(Crime No. 204/2019)

... Respondent/Complainant

2. Sekar

...Respondent/Defacto Complainant

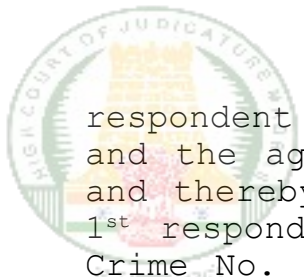
PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the FIR in Crime No. 204 of 2019 on the file of the R1 dated 23.11.2019 and to quash the same.

For Petitioner	:	Mr.C.K.M.Appaji
For Respondents	:	Mr.R.M.Anbunithi
No.1		Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No. 204 of 2019 on the file of the first respondent police.

2. The Case of the Prosecution is that on 22.11.2019 at about 3 pm when the 2nd petitioner, her mother in law, her husband were working in the northern side of Arasu Maruthupatti road, the 2nd respondent, the realtor Karkodal and his wife Maruthai had trespassed into the land and attacked the 2nd petitioner with a wooden rod pelted stone on them and intimidated to kill her. In this connection the petitioner herein preferred complaint before the 1st respondent and 1st respondent herein registered a case against Karkodal, Maruthai and Sekar in Crime No.203/2019 U/s 447, 294 (b), 506(ii) IPC. To counter suit the matter the 2nd respondent here in preferred complaint against the petitioner alleging that on 22.11.2019 at about 3 pm, when the 2nd respondent along with Karkodal and his wife Maruthai were carrying on agricultural activities on their land, the petitioner came to the spot and abused the 2nd



respondent and her men alleging that the mangoes from the mango tree and the agricultural equipments kept in the land were stolen away and thereby intimidated her. On the strength of the complaint, the 1st respondent herein registered a case against the petitioner in Crime No. 204/2019 U/s 294(b), 506(ii) IPC. Likewise on 16.07.2020 at about 3.30 pm the said Sekar and his daughter Madhavi had abused Punniammal, the daughter in law of 1st and 2nd petitioner's, beaten up her neck with stick and when she fell down, they kicked her chest and threw stone on her leg. In this connection the daughter in law gave complaint before the 1st respondent police and a case was register in Crime No.545/2020 U/s 294(b), 323 IPC and section 4 of TNPHW Act. To counter suit the matter one Aandichi the daughter of Sekar had preferred a complaint against 1st petitioner, his son Murugan, daughter in law Punniammal alleging that on 16.07.2020 at about 3.45pm the family members of the Petitioners had assaulted the said Aandichi with a stick and caused bleeding injuries and also assaulted all the members of the family. Consequently the 1st respondent herein register a case against the family member of the Petitioner in Cr.No.546/2020 U/s 294(b), 323, 506(ii) and section 4 of the TNPHW Act.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent police are about to file the final report before the concerned court.

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

6. It is seen from the First Information Report that there are specific allegation as against the petitioners, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7. It is also relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in **Crl.A.No.255 of 2019** dated **12.02.2019 - Sau. Kamal Shivaji Pokarnekar vs. the State of Maharashtra & ors.**, where in it is held follows:-

"4. The only point that arises for our consideration in this case is whether the High Court was right in setting aside the order by which process was issued. It is settled law



ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted."

8. In view of the above discussion, this Court is not inclined to quash the First Information Report. Hence this Criminal Original Petition stands dismissed. However, the respondent police is directed to complete the investigation and file final report before the concerned Magistrate, within a period of eight weeks from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Chief Judicial Magistrate,
Madurai.
- 2.The Inspector of Police,
Vikkaramangalam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD) No.5495 of 2022

and

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nsn(CO)

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