



Crl.O.P.(MD) No.15257 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.15257 of 2022
and CrI.M.P(MD)No. 10014 of 2022

1. Subramani
 2. Panchavarnam
 3. Kalimuthu
- ... Petitioners/A-1 to A-3

Vs

- 1.The State represented by
its Inspector of Police,
Ambilikkai Police Station,
Dindigul District.
(Crime No.72 of 2022)
 2. Kannaiyiram
- ...R-1/Complainant
...R-2/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the FIR in Crime No.72 of 2022 dated 31.05.2022 on the file of the 1st respondent and quash the same as illegal.

For petitioner : Mr.T.Lajapathi Roy

For R-1 : Mr.M.Sakthi Kumar
Government Advocate (crl. side)



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ORDER

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This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.72 of 2022 dated 31.05.2022 on the file of the 1st respondent, as against the petitioner.

2. Heard the learned counsel appearing for the petitioner and Mr.M.Sakthi Kumar, learned Government Advocate (Crl. side) appearing for the respondent police.

3. The learned counsel appearing for the petitioner submitted that the alleged road was formed in his property without following the due process of law. He further submitted that, while questioning the formation of road by the petitioner a case has been registered against him. Challenged the acquisition proceedings, the petitioner has filed a writ petition in W.P.(MD)No.22052 of 2021 and the same is pending before this Court. Under these circumstances, the allegations against the petitioner and commission of offence punishable under Sections 294(b), 506(i) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, are not made out and it is liable to be quashed.



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4. The learned Government Advocate (crl. side) appearing for the respondent police submitted that the case was registered only on 31.05.2022. Admittedly, a public road was formed there and challenged the acquisition proceeding is pending before this Court. He further submitted that the investigation of this case is in premature stage and hence, this petition is liable to be dismissed.

5. On perusal of the impugned FIR in Crime No.72 of 2022 was registered on 31.05.2022 for the offences punishable under Sections 294(b), 506(i) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. The allegation against the petitioner is that the petitioner threatened the complainant, namely; Kannaiyiram, Panchayat Secretary, Kappiliyapatty Panchayat, Oddanchatram, Dindigul, and abused him by using filthy language when he questioning the damage of the public road formed by the Panchayat, this petitioner has made life threat to the Secretary of Panchayat. Hence, he lodged the complaint. With regard to the allegations, Whether it is true or not and Whether the Panchayat road was damaged or not, has to be investigated. According to the respondent police, they registered the case recently. Under these circumstances, it is not



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possible to held that Whether the allegations are true or not or having any merit. Therefore, investigation has to be conducted to find out the truth.

6. Since investigation of this case in is premature stage it is improper to quash the impugned FIR and hence, this Court finds no merit in the petition and the same is liable to be dismissed.

7. Accordingly, this Criminal Original Petition stands dismissed. The respondent police is directed to complete the investigation within a period of four weeks from the date of receipt of copy of the order. Consequently, connected miscellaneous petition is also closed.

25.08.2022

Internet: Yes./No
Index: Yes/no
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To

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1. The Inspector of Police,
Ambilikkai Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

ksa

ORDER IN
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