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CrI.O.P.No.698 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.698 of 2023

and

CrI.M.P.No.365 of 2023

1.S.Madheswaran
2.Gomathi

...Petitioners

Vs.

1. The State Represented by,
Inspector of Police,
Attaiyampatti Police Station,
Salem District.

2. Ravi

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the First Information Report pending on the file of the 1st respondent police in Crime No.44 of 2022 dated 10.02.2022.

For Petitioner : M/s.S.Premakumari

For Respondents : Mr.S.Santhosh,
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records and quash the First Information Report pending on the file of the 1st respondent police in Crime No.44 of 2022 dated 10.02.2022.

2. The learned counsel for the petitioner submitted that there is a case in Crime No.43 of 2022 for the offence under Sections 294(b), 323 of IPC against one Ravi and others. The said Ravi is the defacto complainant in Crime No.44 of 2022 which is registered for the offence under Sections 294(b), 323 of IPC. She further submitted that the offences are compoundable in nature.

3. The learned Government Advocate (Crl. Side) opposes the petition on the ground that investigation in both the cases is completed and final report is ready and it is to be filed before the concerned Court in due course of time.

4. Considered the rival submissions. It is seen from the allegations made in the FIR in Crime No.43 of 2022 that the defacto complainant/Gomathi had given complaint against Ravi and others alleging that they had been taking water through Survey No.58/7 and also grazing their cattle in the said land for



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the past 24 years. Petitioners and the defacto complainant are using the common well in S.No.58/7. On 10.02.2022, the accused prevented the defacto complainant from taking water and damaged the PVC pipe line. When the same was questioned, the accused had made death threat. Thus the complaint came to be registered.

5. The reading of the FIR in Crime No.44 of 2022 shows that the 1st petitioner/Madheshwaran had been taking water from the Survey Nos.53/4, 58/7 to his land in Survey Nos.58/7, 58/10. As per the partition deed, no such permission was granted for taking water from the Survey Nos.53/4, 58/7. When the same was questioned, the 2nd petitioner/ Gomathi had scoled the defacto complaint in filthy language and also pushed her mother. Thus, the complaint came to registered.

6. Thus the reading of the FIR in both the cases shows that cognizable offences are made out against the accused. The respondent police also recorded the statement of the witnesses and completed the investigation and made ready the final report. Under such circumstances, this Court is not inclined to quash the FIR. However, liberty is granted to the petitioner to



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challenge the final report if it is filed before the concerned Court.

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7. Accordingly, this Criminal Original Petition is disposed of.

Consequently, connected miscellaneous petition is closed.

12.01.2023

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To

1. Inspector of Police,
Attaiyampatti Police Station,
Salem District.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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