



Crl.O.P.No.4091 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

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Silambarasan

... Petitioner

Vs

1.The State Rep by:
Inspector of Police,
Jolarpet Police Station, Vellore.

2.T.R.Chanbasha,
The Village Administrative Officer,
No.12, Dhamaleri Muthur, Tirupathur Vattam,
Vellore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.
praying to call for the records and quash FIR in Crime No.82/2017 on the
file of the Inspector of Police, Jolarpet Police Station, Vellore.

For Petitioner : Mr.I.Kowser Nissar

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This Petition has been filed to call for the records and quash FIR in
Crime No.82 of 2017 on the file of the Inspector of Police, Jolarpet Police
Station, Vellore.



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2. Learned counsel for the petitioner submitted that First Information Report allegations do not make out a specific overt act against the petitioner.

The petitioner is falsely implicated in this case. This case was registered in 2017. Till now final report is not filed. Keeping the First Information Report pending is not only an harassment to the petitioner but also abuse of process of law. Thus, this petition.

3. In response, learned Government Advocate (crl.side) submitted that investigation would be expedited and final report will be filed soon.

4. Reading of the First Information Report allegations shows that on 25.02.2017, there was a Erudhu Vidum Thiruvizha celebrated at Dhamaleri Muthur Village. Some of the participants in the vizha, it is reported that caused injuries to bulls with blade and other articles. Therefore, Erudhu Vidhu Thiruvizha was stopped for some time. Spectators started creating a scene demanding resumption of the Erudhu Vidum Thiruvizha. Some of the persons in the assembly started throwing stones. As a result, police vehicle bearing Nos. TN 23 G 0880 and TN 23 G 0717 were damaged. The mobile medical treatment vehicle bearing No.TN 24 G 0433 was also damaged. The investigation revealed that the accused numbering 6, including the petitioner, were responsible for causing damage to the vehicle by throwing stones.



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5. The First Information Report allegations shows that the petitioner is one among the other accused who were responsible for causing damages to the aforesaid vehicle by throwing stones. The offence under Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992 is liable to be punished with imprisonment for a term which shall not be less than one year but which may extend to five years and with fine: Provided that the Court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

6. In the facts and circumstances, where cognizable offence is made up against the petitioner, this court is of the view that quashing of the proceedings cannot be entertained. However, this Court directs the respondent to complete the investigation within a period of 1 month and file final report before the competent Court from the date of receipt of copy of this Order.

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

24.02.2023

Index :Yes/No
Internet:Yes/No
mpl



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G.CHANDRASEKHARAN, J.

mpl

To

- 1.The Inspector of Police,
Jolarpet Police Station, Vellore.
- 2.The Public Prosecutor,
High Court of Madras.

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24.02.2023