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Crl.O.P.No.6708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.6708 of 2023

1.Ramasay

2. Gunasekaran

3. Easwaramoorthy

4. Balumani

5. Sathish

....Petitioners

Vs

1. The State Rep. by,
The Inspector of Police,
Kangayam Police Station,
Tirupur District.

2. Dhanapalsamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to quash the FIR in Crime No.244 of 2022 dated 04.05.2022 against the petitioners for offences under Sections 147, 148, 294(b), 323, 427, 452 & 506(2) of the Indian Penal Code, pending on the file of the Inspector of Police, Kangayam Police Station.



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For Petitioners : Mr.P.V.Selvakumar

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

ORDER

This Criminal Original Petition has been filed praying to quash the FIR in Crime No.244 of 2022 dated 04.05.2022 against the petitioners for offences under Sections 147, 148, 294(b), 323, 427, 452 & 506(2) of the Indian Penal Code, pending on the file of the Inspector of Police, Kangayam Police Station.

2. It is the submission of the learned counsel for the petitioners that, defacto complainant's wife D.Nithyanathi is the owner of the land situated at S.No.664/2A1. There was an agreement between the defacto complainant's wife and M/s.Bharath Petroleum Corporation Limited with regard to running of Petroleum Bank. 2nd Petitioner got license for selling the petroleum products in the name of AGA Agency. Meanwhile, there was a misunderstanding between the defacto complainant and petitioners. Therefore, petitioners gave complaints dated 21.01.2022 and 12.02.2022 seeking return of Rs.24,03,741/- invested by them and for saving them from the defacto complainant and his men. Petitioners also filed Crl.O.P.No.8909



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of 2022 seeking police protection, however police protection was not provided to them. On the other hand, defacto complainant gave a false complaint against the petitioner alleging that petitioners and others had illegally trespassed into the petrol bank and caused damage and made criminal intimidation to the defacto complainant and others. On the basis of the said complaint, FIR in Crime No.244 of 2022 was registered for the offence under Sections 147, 148, 294(b), 323, 427, 452 and 506(2) of IPC and it is pending. Petitioners are falsely roped in connection with dispute in advancing Rs.24 lakhs. Therefore, he seeks for quashment of FIR in Crime No.244 of 2022 as against the petitioners.

3. The learned Government Advocate (Crl. Side) submitted that, investigation in this case is in progress.

4. Considered the rival submissions and perused the records. The FIR allegations show that, defacto complainant is running petrol bunk in the name of AGA Agency. Due to illness, his legs were paralyzed below the knee. Thereafter, his son Arun Prasad is running the business in the name of Arun Traders. He is taking care of the management of the Petrol Bunk. The Petrol Bunk is situated at S.No.664/2A1 in Kangayam, Tirppur District to the extent



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of 64 cents. This land was leased to M/s.Bharat Petroleum for 27 years.

License was also obtained in the name of M/s.Bharat Petroleum. The management of the petrol bunk was carried by the defacto complainant. There was an agreement between the defacto complainant and one Gunasekaran and Ramasamy. Gunasekaran and Ramasamy have to pay Rs.24 lakhs towards usage of Diesel and Petrol. However, they did not pay the amount. As a result, there was a misunderstanding between them. Due to which, petrol bunk had to be closed. On 04.05.2022, at about 06.00 PM., defacto complainant and his friend Dharmaraj were in the office room of the petrol bunk. At that time, Ramasamy, Gunasekaran, Easwaramoorthy, Balumani and Sathish had come there and abused the defacto complainant and pushed him down and also started attacking him. They had also damaged the cell phone, computer, CCTV DVR and made death threat.

5. The FIR allegations narrated above, revealed that, commission of cognizable offence by the accused person. Accident Register of Dharmaraj, Dhanapalsamy and Induraj also support that they suffered injuries. Therefore, this Court is of the view that, the case has to be investigated further and there is no merits in the claim of the petitioner seeking quashment of the FIR in Crime No.244 of 2022.



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6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

27.03.2023

Internet: Yes
Index: Yes/No
Sma

To:

1. The Inspector of Police,
Kangayam Police Station,
Tirupur District.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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