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Crl.O.P.No.6780 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6780 of 2023

and

Crl.M.P.No.4261 of 2023

Sivakumar

... Petitioner

-VS-

1. The State, represented by
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No.423 of 2022).

2.Arjunan

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, call for the records relating to the Crime No.423 of 2022, on the file of the Inspector of Police, Palacode Police Station, Dharmapuri District and quash the same.

For Petitioner : Mr.J.Pradeep

For 1st Respondent: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For 2nd Respondent : Mr.N.Manokaran



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ORDER

The petition filed to quash the F.I.R., registered in Crime No.423 of 2022, on the file of the Inspector of Police, Palacode Police Station, Dharmapuri District, on the ground that the very reading of the FIR does not make offence under Sections 294(b) and 506(ii) of IPC.

2. The petitioner is the brother of the defacto complainant and the defacto complainant happens to be a retired Police Officer. There is a dispute between the brothers regarding agricultural land under cultivation of the defacto complainant and the suit has also been filed and the same was pending regarding possession and enjoyment of the property. While so, on 08.12.2022, the impugned FIR has been came to be registered by the 1st respondent Police for the offence under Sections 294(b) and 506(ii) IPC.

3. The learned Government Advocate (Crl.Side) would submit that apart from the FIR, in the course of investigation, materials have been collected indicating the petitioner herein has abused the defacto complainant and threatened him showing aruval. Hence, the final report filed physically and the same was returned by the Registry stating that the same to be presented through



e-filing and the same will be done in couple of days.

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4. In view of the above fact, this Criminal Original Petition is disposed of with liberty to the petitioner herein to canvass all those points at the appropriate stage after receipt of all the documents relied upon by the prosecution under Section 207 of Cr.P.C. Consequently, connected miscellaneous petition is closed.

23.11.2023

Index : Yes/No

Neutral Citation : Yes/No

ssn

To

1. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
2. The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.,

ssn

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