



WEB COPY



Crl.OP.No.5928 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5928 of 2023

and

Crl.M.P.No.3717 of 2023

1. M.Nirmala Devi @ Nirmala

2. M.Rajkumar

... Petitioners

Vs.

1. The Inspector of Police,
Perundurai Police Station,
Erode District.
Crime No.751 of 2022

2. C.Balasubramaniam

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the FIR in Crime No.751 of 2022 on the file of the 1st Respondent Police against the petitioners.

For Petitioners

: M/s. B.Anithaa Selvi

For Respondent

: Mr.S.Santhosh (For R1)
Government Advocate(Crl.side)



Crl.OP.No.5928 of 2023

ORDER

WEB COPY

This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.751 of 2022 on the file of the 1st Respondent Police against the petitioners.

2. The learned counsel for the petitioners submitted that petitioners are the owners of the land in S.No.873/2. When the petitioners made an effort to measure the land with the help of the surveyor on 03.10.2022, one Anirudh, Rajendran, Ravichandran, Logu, Senguttuvel and Nallasivam attacked the petitioners. Therefore, petitioners lodged a complaint against them and on the basis of the complaint, FIR in Crime No.752 of 2022 was registered for the offence under Sections 294(b), 323 of IPC and Section 4 of the Prohibition of Harassment of Women Act, 2002. However, Balasubramaniam gave a false complaint against the petitioners and on that basis, FIR in Crime No. 751 of 2022 was registered for the offence under Sections 294(b), 323, 324, 506(ii) of IPC. Infact, petitioners alone suffered injuries. Therefore, present petition is filed.



Crl.OP.No.5928 of 2023

3. In response, learned Government Advocate (Crl. Side) submitted that, in connection with measuring the property in dispute, there was a fight between the parties, on the basis of the complaint given by both the parties, these FIR's came to be registered. Investigation in this case is still pending.

4. Considered the rival submissions and perused the records.

5. The reading of the FIR in Crime No.751 of 2022 shows that, defacto complainant sold the property in S.No.873/2A to one T.C.Chinnasamy six years back. T.C.Chinnasay decided to sell the property to one Senguttuvel. On 03.10.2022, T.C.Chinnasamy requested him to come to the land for measuring the land with the help of Surveyor. Surveyor was objected by the petitioner. At about 4.P.M., defacto complainant, T.C.Chinnasamy and his Son Aniruth, Rajendran and Ravichandran, Logu, Senguttavel and defacto complainant's brother Nallasivam visited the disputed land. Petitioners /Nirmala Devi and Rajkumar asked the defacto complainant as to how he sold the property. Defacto complainant tried to explain them by showing the documents. Defacto complainant's brother Nallasivam told him, why he was showing the documents. At that time, Rajkumar pushed Nallasivam to the ground and started attacking



Crl.OP.No.5928 of 2023

the defacto complainant with bullet bike key on his cheek and head. Then, he tried to stab Chinnasamy stating that that, how dare he tried to purchase the property. When Anirudh and Rajendran intervened, Rajkumar kicked Anirudh and pushed him to the ditch, which is 10 feet deep and he hit the Rajendran with knife handle and also made death threat to them stating that, he has hundreds of men waiting for his support.

6. It is true that, on the basis of the complaint given by the petitioner as against the defacto complainant, FIR in Crime No.752 of 2022 was registered and it is pending.

7. It is obvious that, in connection with surveying the disputed property, both the parties attacked each other and suffered injuries. The learned Government Advocate (Crl. Side) produced the copies of the wound certificate to show that persons named in the FIR have suffered injuries. FIR allegations and medical records make out commission of cognizable offence by the petitioners requiring investigation and for filing final report, therefore, this Court finds no merits in this petition seeking quashment of FIR in Crime No.751 of 2022.



Crl.OP.No.5928 of 2023

WEB COPY 8. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

15.03.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

To

1. The Inspector of Police,
Perundurai Police Station,
Erode District.
2. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



Crl.OP.No.5928 of 2023

G.CHANDRASEKHARAN,J.

Sma

Crl.O.P.No.5928 of 2023

15.03.2023