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CrI.O.P.No.7429 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.7429 of 2023

and

CrI.M.P.No.4728 of 2023

Pradeep

... Petitioner

/vs/

1. The Inspector of Police,
Maruvathur Police Station,
Perambalur District.

2. Sathiyamoorthy

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records in connection with FIR in Crime No.121 of 2018 on the file of Inspector of Police, Maruvathur Police Station, Perambalur District for the offence under Sections 294(b), 323 and 506(2) of IPC read with Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and quash the same.

For Petitioner ... Mr.T.Gnana Banu

For Respondent ... Mr. Leonard Arul Joseph Selvam (For R1)
Government Advocate (CrI.Side)



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ORDER

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This Criminal Original Petition has been filed seeking direction to call for the records in connection with FIR in Crime No.121 of 2018 on the file of Inspector of Police, Maruvathur Police Station, Perambalur District for the offence under Sections 294(b), 323 and 506(2) of IPC read with Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and quash the same.

2. The learned counsel for the petitioner submitted that, FIR allegations are totally false. Though FIR was registered on 22.08.2018 for the offence under Sections 294(b), 323 and 506(2) of IPC read with Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, investigation is not completed and final report is not filed. He further submitted that, most of the offences are barred by limitation. Thus, he prays for quashing the FIR in Crime No.121 of 2018.

3. The learned Government Advocate (CrI. Side) submitted that, investigation is completed and final report would be filed in due course.



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4. Considered the rival submissions and perused the records. It is seen from the FIR allegations that, there is a dispute between the defacto complainant's family and his junior paternal uncle in connection with the use of usufructs of tamarind tree and the land where the tamarind tree is situated. On 13.08.2018, at about 8.00.a.m., defacto complainant's junior paternal uncle Sivaprakasam and his sons Nivas, Pradeep and Padiyan S/o.Ganesan tried to encroach the land and raise the compound. When the defacto complainant tried to prevent, he was scolded in filthy language by Nivas, Pradeep and Padiyan and they also made criminal intimidation by using Vangaruval and stick. They caused damage to the roofing sheet causing loss of Rs.2,000/-. Thus, the complaint was given. On the basis of the complaint, FIR was registered under Sections 294(b), 323, 506(2) of IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992. The complaint allegations make out commission of cognizable offences by the petitioner against the defacto complainant. The claim that most of the offences are barred by limitation is not correct. Therefore, this Court finds no merits in this



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petition seeking for quashing the FIR in Crime No.121 of 2018.

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5. Accordingly, this Criminal Original Petition is dismissed. However, this Court directs the 1st respondent to complete the investigation and file a final report within a period of one month. Consequently, connected miscellaneous petition is closed.

20.04.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
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To

1. The Inspector of Police,
Maruvathur Police Station,
Perambalur District.
2. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN, J.

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