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Crl.O.P.No.12305 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12305 of 2023

and

Crl.M.P.No.7521 of 2023

- 1.Chandra sekar
- 2.Veeramani
- 3.Porkaivel
- 4.Arivalagan
- 5.Pathmanaban
- 6.Marimuthu
- 7.Suresh
- 8.Raja

...Petitioners

Vs.

- 1.The State represented by
The Inspector of Police,
Peralam Police Station,
Tiruvarur District.

- 2.Selvam

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of FIR registered in Crime No.23 of 2022, dated 12.01.2022 pending on the file of the 1st respondent and quash the same.

For Petitioners : Mr.D.Padmanabhan

For R-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal side)



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ORDER

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This Criminal Original Petition is filed to call for the records of FIR registered in Crime No.23 of 2022, dated 12.01.2022 pending on the file of the 1st respondent and quash the same.

2. It is the submission of the learned counsel for the petitioners that, on the basis of the false complaint given by the 2nd respondent, First Information Report in Crime No.23 of 2022 was registered for the offences under Sections 147, 294(b), 323, 427, 447,506(i) and 109 IPC by Peralam Police Station. The allegations made in the First Information Report are that, petitioners had forcefully removed defacto complainant's coconut trees and caused injuries to his mother are totally false. Infact the property belongs to Hindu Religious and Charitable Endowments Department (HR&CE) and it is the HR&CE Department, who evicted the 2nd respondent from the property. In such circumstances, petitioners filed this petition to quash the First Information Report in Crime No.23 of 2022.



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3. In response, learned Government Advocate (Criminal side) opposed the submission of the learned counsel for the petitioners and submitted that investigation in this case will be completed soon and final report will be filed.

4. Considered the submissions and perused the records.

5. The First Information Report allegations show that, there is already a previous enmity prevailing between the defacto complainant's brother Ashok and the accused Chandra sekar in connection with a civil dispute. Ashok was attacked on 15.12.2021 and taken treatment in Government Hospital. Despite giving complaint, no action was taken against Chandra sekar. When that be the case, at the instigation of Chandra sekar, accused in this case had formed an unlawfully assembly at about 9.30 a.m. on 08.01.2022 along with some other persons and damaged Rs.2,00,000/- worth bamboo tress and two coconut trees using JCB. They also damaged other plants in the house. When 2nd respondent's mother questioned their action, she was abused in a filthy language and threatened that, she would be burnt to death with the house. Accused Veeramani pushed her down and scolded her in filthy language. On the basis of the complaint given by the 2nd respondent, First Information



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Report in Crime No.23 of 2022 was registered. The claim with regard to the fact that property belonged to HR&CE Department and HR&CE department was responsible for evicting the 2nd respondent is a disputed fact and it has to be enquired by the Investigation Officer.

6. The First Information Allegations clearly make out commission of cognizable offence by the accused including the petitioner. The allegations have to be investigated by the respondent police to file appropriate final report. In this view of the matter, this Court finds that there is no merits in this case seeking quashment of First Information Report.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

02.06.2023

Internet :Yes
Index :Yes/No
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G.CHANDRASEKHARAN, J.
gd

To:

- 1.The Inspector of Police,
Peralam Police Station,
Tiruvarur District.
- 2.The Public Prosecutor,
High Court of Madras.

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