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Crl.O.P.No.12793 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.12793 of 2023

and

Crl.M.P.No.7783 of 2023

A.Arvind

... Petitioner

Vs.

1.The State of Tamil Nadu represented by,
The Inspector of Police,
Mandrakuppam Police Station,
Neyveli-02,
Cuddalore District.

2.Ranganathan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records quash the Criminal complaint in Crime No.413 of 2022, pending on the file of the Inspector of Police, Mandrakuppam Police Station, Neyveli-02, Cuddalore District.

For Petitioners : Mr.P.Paramasivados

For R-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to call for the records quash the Criminal complaint in Crime No.413 of 2022, pending on the file of the Inspector of Police, Mandrakuppam Police Station, Neyveli-02, Cuddalore District.

2. Learned counsel for the petitioner submitted that, there is a dispute between the defacto complaint and accused, with regard to the usage of 8 feet common pathway. In this regard, there is a Suit in O.S.No.56 of 2015 pending on the file of the District Munsif cum Judicial Magistrate, Neyveli. The Suit was filed by the 2nd accused against one Rajendiran and others. The 5th defendant namely Dhananjayan in the Suit is a predecessor to the Ranganathan. When the Suit is pending, a criminal case is given with false allegations. Therefore, he seeks for quashment of first information report in Crime No.413 of 2022, pending on the file of the Inspector of Police, Mandrakuppam Police Station, Neyveli-02, Cuddalore District.

3. In response, learned Government Advocate (Criminal side) submitted that, on the basis of the complaint given by accused Annathurai, counter case in



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Crime No.414 of 2022 was registered for the offences under Sections 294(b), 323, 324 and 506(ii) IPC and investigation in both the cases is pending. Thus, he seeks for dismissal of this petition.

4. Considered the submissions and perused the records.

5. From the first information Report, it can be gathered that, there is a dispute between the defacto complaint and accused, in connection with the usage of 8 feet common pathway. On 03.11.2022, at about 10.00 a.m., accused Aravind had removed the boundary stone and broken it. When it was questioned by the defacto complaint, he was beaten by Aravind, his father, Annathurai and Rajendran with wooden log. They also made death threat to the defacto complaint. The copy of the Accident Register produced by the learned Government Advocate (Criminal side), shows that, defacto complaint was beaten by known persons with hands and wooden log and he complained about chest pain. Thus, the first information report allegations and Accident Report copy *prima-facie* establishes commission of cognizable offence by the petitioner. Therefore, this Court is not inclined to quash the first information report in Crime No.413 of 2022, pending on the file of the Inspector of Police, Mandrakuppam Police Station, Neyveli-02, Cuddalore District.



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6. In the result, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non speaking order
gd

To

1. The Inspector of Police,
Mandrakuppam Police Station,
Neyveli-02,
Cuddalore District.
2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

gd

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