



Crl.O.P.No.12657 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

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THE HONOURABLE MR. JUSTICE Dr. G. JAYACHANDRAN

Crl.O.P.No.12657 of 2023

and

Crl.M.P.No.7675 of 2023

Balaji

... Petitioner

Vs.

1. The State, rep. by
Inspector of Police
Dharmapuri Police Station,
Dharmapuri.

2. Thangammal

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records quash the FIR made in Cr.No.771/2022 dated 19.12.2022 on the file of the respondent Police.

For Petitioner : Mr.R.Dhinesh Kumar

For Respondents : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Criminal Side),
(for R1)



CrI.O.P.No.12657 of 2023

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ORDER

This Criminal Original Petition is filed to call for the records quash the FIR made in Cr.No.771/2022 dated 19.12.2022 on the file of the respondent Police.

2. The learned Counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged in the impugned FIR. Without any base, the first respondent Police registered a case as against the petitioner in Crime No. 771 of 2022 for the offences under Sections 427, 447, 294(b), 506(i) of IPC. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) would submit that the petitioner who was involved in the damaging the public property, in connection with the property dispute, is facing investigation in crime No.771 of 2022 dated 19.12.2022 for alleged offence under Section 427, 447, 2 294(b), 506(i) of IPC, without stating that the Civil Suit is pending and there is CCTV footage showing the property getting damaged using



Crl.O.P.No.12657 of 2023

the J.C.B. Therefore, the criminal complaint cannot proceed with the investigation . Hence, he prayed for dismissal of this petition.

4. Perused the materials available on record.

5. On perusing the complaint, this Court found that a prima facie material is available to investigate the case. Since there is CCTV footage showing the property damaged using the J.C.B., the petition to quash the said FIR does not fall within the parameters laid down in *Neeharika Infrastructure Pvt Ltd., /Vs/ State of Maharashtra and Others* reported in *2021 SCC Online SC 315* though in the petition it is claimed that it falls under the parameter. Hence this Criminal Original Petition is dismissed. Consequently, this Criminal Miscellaneous Petition is also dismissed.

01.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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Crl.O.P.No.12657 of 2023

To

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1. Inspector of Police
Dharmapuri Police Station,
Dharmapuri.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Crl.O.P.No.12657 of 2023

Dr. G. JAYACHANDRAN. J.,

(sha)

Crl.O.P.No.12657 of 2023

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