



WEB COPY



Criminal Original Petition No.17212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.17212 of 2023
and Crl.M.P.No.11104 of 2023

1.Liaquet Ali
S/o.Ehasanallah

2.Hidayathullah
S/o.Abdul Kareem

3.Basheer Ahmed
S/o.Abdul Muthalif

...Petitioners

Vs

1.The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.
Crime No.27 of 2017

2.Vengateshwari
D/o.Varadharajan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to the FIR in Crime No.27 of 2017, dated 28.01.2017 on the file of first respondent and quash the same.

For Petitioners : Mr.V.Elangovan

For Respondents : Mr.A.Damodaran

Additional Government Pleader [R1]



ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.27 of 2017, dated 28.01.2017 on the file of first respondent.

2. The case of the prosecution is that the second respondent, who is the Panchayat President seems to have given a complaint to the effect that the petitioners were found digging a bore well and thereby, they have damaged the cement road put up by the Panchayat and this was done by the petitioners without getting any prior permission. When this was questioned, the petitioners are said to have abused and intimidated the second respondent. Based on this complaint, a First Information Report came to be registered by the first respondent in Crime No.27 of 2017 for offences u/s.143, 353 IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984.

3. Heard Mr.V.Elangovan, learned counsel for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for State/first respondent.



4. In the considered view of this Court, the incident is said to have taken place in the year 2017 and till date, no final report has been filed. The petitioners are said to have caused damage to the tune of Rs.500/- by damaging the cement road put up by the Panchayat. No useful purpose will be served in keeping the investigation pending at this length of time. At the best, the facts of the present case can be brought within the fold of Section 95 IPC. This Court does not find any serious allegations against the petitioners warranting continuation of the investigation at this stage. In fact, the pendency of the First Information Report will only result in abuse of process of law warranting interference of this Court in exercise of its jurisdiction u/s.482 Cr.P.C.

In the result, this Criminal Original Petition is allowed and the proceedings in Crime No.27 of 2017 on the file of first respondent is quashed. Consequently, connected miscellaneous petition is closed.

04.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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N.ANAND VENKATESH, J

gm

To

1.The Inspector of Police,
V.Kalathur Police Station,
Perambalur District.
Crime No.27 of 2017

2.The Public Prosecutor,
High Court, Madras.

Criminal Original Petition No.17212 of 2023

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