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Crl OP No.22199/ 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No.22199 of 2021

and

Crl.M.P.No.12038 of 2021

1. Dakshinamurthy
2. Natarajan
3. Loganathan
4. Elangovan

... Petitioners

Versus

1. State Rep by
Inspector of Police
C-3, Manimangalam Police Station
Chengelpat District.

2. K. Purushothaman

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to quash the proceedings in C.C.No.200 of 2014 on the file of the Hon'ble Judicial Magistrate – II, Tambaram.



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For Petitioners : Mr. M. Mohamed Riyaz
For Respondent : Mr. S.Balaji
Government Advocate (Crl.Side)
for R1.
No Appearance for R2

ORDER

The petition is to quash the final report for the alleged offences under Sections 294 (b), 352, 324 and 506 (ii) IPC.

2. It is alleged in the final report that on account of prior dispute, the petitioners had abused the defacto complainant in filthy language besides attacking him with wooden logs and thus, committed the aforesaid offences.

3(a). Mr. M. Mohamed Riyaz, the learned counsel for the petitioners would submit that the impugned prosecution arises out of a First Information Report, lodged by the second respondent in Crime No.11 of 2014; that this case is a counter blast to the complaint which was registered in Crime No.10 of 2014 given by a Revenue Inspector against the defacto complainant and others who prevented the Revenue Inspector from discharging his duty and also committed assault on the Government officials; that the allegation in the said complaint is



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that the defacto complainant herein and others attempted to damage the mud road which was allegedly laid down on a water body and when the Revenue Officials were inspecting the said road, they had attacked them as stated earlier and were charged for the offences under Sections 341, 294 (b), 353, 307 and 506(ii) of IPC.

3(b). The learned counsel submitted that the second respondent and others filed a quash petition before this Court in Crl.O.P.No.7397 of 2015 dated 29.09.2020 and this Court had quashed the proceedings against them on the ground that there was a group clash between the petitioners and the respondents and no specific overt act has been attributed to the respondents therein; that this Court, further observed that since the second respondent herein who is one of the petitioners in the said Criminal Original Petition was taking steps to preserve the water body and that he was exposing a public cause.

3 (c). The learned counsel further submitted that the impugned complaint which is a counter case in respect of same occurrence and registered later, is nothing but an abuse of process of law; that the first respondent has not followed the procedure contemplated under Order



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566 of the Police Standing Orders and hence, prayed for quashing of the final report.

4. Mr. S.Balaji, the learned Government Advocate (Crl.Side) and Mr.R.Thirumoorthy, learned counsel for the second respondent, however submitted that there are allegations in the impugned final report which have to be adjudicated only before the trial Court. The learned counsel for the de facto complainant further submitted that the second respondent had actually espoused the public cause whereas the petitioners encroached the water body and supported others, who were party to the encroachment and no leniency can be shown on them.

5. Admittedly, this Court finds that Crime No. 10 of 2014 and Crime No. 11 of 2014 which had culminated in C.C.No.200 of 2014 impugned in the instant quash petition are relating to the same occurrence. The FIR against the second respondent was lodged by the Revenue Officials stating that they were attacked by the second respondent and others. The second respondent has filed this complaint, thereafter. Since admittedly, both the case and the case in counter are relating to the same occurrence, it is a matter of common sense that one



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of the complaints has to be false or both have to be false. The first respondent ought not to have filed final report projecting as if both the cases are true. That apart, this Court, finds that the Final Report filed against the second respondent has been quashed. The impugned final report has been filed without ascertaining as to who is the aggressor and as to which of the versions is true which is bound cause prejudice to the petitioners. In such circumstances, the continuance of the impugned proceedings would be an abuse of process of law. Therefore, this Court is of the view that no useful purpose would be served in keeping the proceedings pending especially when the first respondent has not followed the procedure contemplated under the Police Standing Orders.

6. For all the above reasons, this Court is inclined to quash the final report. Hence, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

15.06.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To
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1. The Judicial Magistrate – II,
Tambaram.
2. The Inspector of Police
C-3, Manimangalam Police Station,
Chengelpat District.
3. The Public Prosecutor
High Court of Madras
Chennai – 600 104.



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SUNDER MOHAN, J

dk

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