



Crl.O.P.No.27597 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.27597 of 2023

and

Crl.M.P.No.19132 of 2023

1.Revathi
2.J.Karthikeyan
3.N.Suresh Kumar
4.Sagayaraj

.. Petitioners

/versus/

1.State rep.by
The Inspector of Police (L & O),
Annadanpatty Police Station,
Salem.
(Crime No.1624 of 2023)

2.K.Premkumar

.. Respondents

Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.1624 of 2023 pending investigation on the file of Inspector of Police, Annadhanapatty Police Station, Salem and quash the same.

For Petitioners :Mr.C.D.Johnson



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For R1

:Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.1624 of 2023. Private complaint has been taken up for investigation by the Inspector of Police, Annadanpatty Police Station, Salem, based on the direction of the Principal District Judge, Salem under Section 156(3) Cr.P.C., being satisfied that there is a prima facie material for offence under SC & ST Act been made out.

2. It is contended by the learned counsel appearing for the petitioner that it is a frivolous and malicious complaint to counter blast the earlier complaint lodged against them. Particularly, the learned counsel submitted that the petitioner herein already been enquired by the police for the very same allegations and the police has closed the complaint. While so, the defacto complainant had approached the District Court and filed a private complaint in which on the same day the District Judge has ordered



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to register the complaint and enquire. The learned counsel citing that there is a grave violation of the Hon'ble Supreme Court direction in respect of entertaining complaint under Section 156(3) Cr.P.C. The learned counsel further submitted that the FIR is bound to be quashed since the property dispute been given criminal colour and also serious offence under SC & ST Act been lodged.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that pursuant to the direction of the Principal District Judge, Salem, case has been registered and it is under investigation.

4. The truth will be known only on the completion of the investigation. This Court holds that when a person aggrieved of cognizable offence and the police fail to act upon, there cannot be any impediment for the aggrieved person resorting the provision under the Code and seek redressal. The person, who have committed cognizable offence, instead of co-operating with the investigation cannot short circuit the process of



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Dr.G.JAYACHANDRAN,J.

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investigation by resorting Section 482 of Cr.P.C. Time and again the Hon'ble Supreme Court has said that the inherent power of the High Court has to be sparingly used when there is no material to investigate. This is a case of the grave crime. A fair and proper investigation is required, before that interference by the higher Court is not warranted. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

08.12.2023

Index:yes/no

Netural Citation:yes/no

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To:

1.The Inspector of Police (L & O),
Annadanpatty Police Station,
Salem.

2.The Public Prosecutor, High Court, Madras.

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