



WEB COPY



*Crl.O.P.No.3718 of 2023 &
Crl.M.P.No.2344 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

**Crl.O.P.No.3718 of 2023 &
Crl.M.P.No.2344 of 2023**

1.E.Shalini
2.Surendar

... Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Mayiladuthurai, Sirkazhi Police Station.

2.Manikandan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records of the 1st respondent pertaining to FIR No.510 of 2022 pending on the file of the Mayiladuthurai Police Station, Sirkazhi and quash the same.

For Petitioner : Mr.Navin Suresh
For Respondents : Mr.S.Santhosh,(for R1)
Government Advocate (Crl.side)

ORDER

This petition is filed to call for the records of the 1st respondent pertaining to Crime No.510 of 2022 pending on the file of the Mayiladuthurai Police Station, Sirkazhi and to quash the same.

2. Learned counsel for the petitioner submitted that there is a civil



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appeal in A.S.No.117 of 2018 on the file of the Principal Magistrate Court at Mayiladuthurai is pending in connection with Survey No.274/1. The 2nd respondent has given a false complaint against the petitioners alleging that they had damaged the cement fencing poles of his land in Survey No.273/1, abused him in filthy language and made criminal intimidation. It is his further submission that complaint is a false and motivated complaint, given with a view to harass the petitioner. Therefore, this petition.

3. In response, learned Government Advocate (Crl.side) submitted that on the basis of the complaint given by the 2nd respondent, First Information Report in Crime No.510 of 2022 for the offence under Sections 294(b), 427 and 506(1) of IPC was registered. Preliminary investigation shows that accused in this case had damaged the cement fencing poles installed by the 2nd respondent and abused him with criminal intimidation. Investigation in this case is pending.

4. Considered the rival submissions and perused the records. It is seen from the First Information Report allegations that 2nd respondent claims that he is supervising the land in Survey No.273/1 in Sirkazhi Town. When he tried to fence his land on 09.11.2022, accused had prevented him and therefore he gave a complaint. During the enquiry, he produced documents to



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show his possession on 19.11.2022. But the accused have not produced any documents. On 20.11.2022, at about 10.30 a.m., he was fencing his property.

At that time, the accused had come there, scolded him in filthy language and damaged the cement fencing worth about Rs.10,000/-. When questioned about that, they made criminal intimidation. Therefore, this complaint.

5. Learned Government Advocate (Crl.side) produced photographs wherein it is seen that petitioners were pushing cement poles down. Complaint allegations makes out a cognizable offence against the petitioners and therefore, prayer for quashment of the FIR cannot be entertained.

6. In this view of the matter, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

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Internet:Yes/No
Index:Yes/No
mpl



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G.CHANDRASEKHARAN, J.

mpl

To

- 1.The Inspector of Police,
The State of Tamil Nadu,
Mayiladuthurai, Sirkazhi Police Station.
- 2.The Public Prosecutor,
High Court of Madras.

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