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CrI.O.P(MD).No.4184 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 12.07.2023

Pronounced on : 21 .07.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

CrI.O.P(MD).No.4184 of 2020

Pandian

...Petitioner

Vs

1.The Sub Inspector of Police
Uthamapalayam Police Station,
Theni District.

2. Nagammal

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records relating to the impugned First Information Report in Crime No.169 of 2019 on the file of the first respondent and to quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.M.S.Jeyakarthik

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R-2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.169 of 2019 on the file of the first respondent.



2. According to the petitioner, the alleged case of prosecution is that the land in S.No.965/1 situated in Oothukadu, Kombai Road, Kumbam has been in possession and enjoyment of the defacto complainant since 2012. In respect of the above said land civil suit in O.S.No.54 of 2014 was pending on the file of the Sub Court, Uthamapalayam. In these circumstances on 07.03.2019 at about 04.00 to 5.00 pm., at the instigation of the first accused the accused 2 to 4 developed quarrel with the second respondent by abusing her in filthy language and took away the plastic articles worth about Rs.15,000/- and also caused criminal intimidation. Based on the complaint given by the second respondent/defacto complainant a case in Crime No.169 of 2019 has been registered for the offences under Sections 147,294(b), 448,427,509,506(ii) and 379 (NH) of IPC as against the accused persons. In fact no any occurrence was happened as alleged in the First Information Report and the case is false one.

3. The learned counsel for the petitioner would submit that based on the complaint given by the defacto complainant a false case has been registered against the petitioner and no such offence has been committed by the petitioner as alleged by the defacto complainant. He would further submit that even according to the First Information Report there is delay of 70 days in registering the case and the reason for the delay was also not explained. Only to harass the petitioner and



his family members the second respondent herein has given a false complaint. Further the petitioner purchased the property in S.No.965/1 through sale deed dated 22.04.2013 but the second respondent filed suit alleging that she entered into agreement with the vendor of the petitioner dated 11.09.2023 but the vendor of the petitioner sold the property to this petitioner on 22.04.2023 and thereby suit was filed for specific performance and the same is pending. Whiles, in order to harass the petitioner, the second complainant/defacto complainant has given a false complaint and the First Information Report has been registered, hence the First Information Report is liable to be quashed.

4. Though name printed in the cause list none appeared on behalf of the second respondent.

5. The learned Additional Public Prosecutor would submit that based on the complaint given by the second respondent/defacto complainant the first respondent has registered the First Information Report in Crime No.169 of 2019 for the offences under Sections 147,294(b),448,427,509,506(ii) and 379 (NH) of IPC Thereafter the first respondent has investigated the case and examined the witnesses and now filed final report before the learned Judicial Magistrate, Uthamapalayam and the same is yet to be taken cognizance by the



concerned Court. As per the final report, *prima facie* materials are made out and thereby the first respondent has filed final report. Therefore the petitioner has to appear before the trial Court and face the trial. Hence the petition has to be dismissed.

6. Heard both sides and perused the materials available on record.

7. On perusal of the record, it is observed that there existed civil dispute between the parties and as per the complaint the petitioner along with others have gone to the place of occurrence and trespassed into the property and abused the defacto complainant in filthy language, criminally intimidated her and also had taken the plastic articles worth about Rs.15,000/-, thereby the respondent police has registered the First Information Report. Thereafter, they examined the witnesses, since *prima facie* material is available as against the accused persons, the first respondent police have filed the final report and the same is yet to be taken cognizance. Since the police have filed final report after satisfying that *prima facie* materials available to proceed as against the accused persons and the same is pending before the Court for further adjudication it needs elaborate trial. The offences charged against the petitioner is also grave in nature. As stated supra,



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at this stage, this Court is unable to invoke inherent powers under Section 482 of Cr.P.C and hence the petition is liable to be dismissed.

8. Accordingly this Criminal Original Petition stands dismissed. However liberty is granted to the petitioner to raise all the grounds raised in this petition before the trial Court.

21.07.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To

- 1.The Sub Inspector of Police
Uthamapalayam Police Station,
Theni District.
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai



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P. DHANABAL,J.

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