



Crl.O.P.(MD).No.15473 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.15473 of 2020

and

Crl.M.P(MD).Nos.7536 and 7537 of 2020

B.Kharthik

... Petitioner/2nd Accused

Vs.

1. The State of Tamilnadu

Rep.by the Inspector of Police,
Kurangani, Bodinayakannur Taluk,
Theni District.

... Respondent/Complainant

2. Mokkaipandi

... Respondent/De-facto Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in connection with FIR in Crime No.83 of 2020 on the file of the Kurangani Police Station, Bodinayakannur, Theni District, and quash the same.

For Petitioner : Mr.T.Cibi Chakraborty

For Respondents : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side) for R1

: Mr.N.Dilip Kumar for R2



Crl.O.P.(MD).No.15473 of 2020

WEB COPY

ORDER

This Criminal Original Petition has been filed against the impugned FIR in Crime No.83 of 2020, on the file of the Kurangani Police Station, Bodinayakannur, Theni District and quash the same.

2.The case of the prosecution is that on 29.10.2020 at about 11.30 a.m, due to civil dispute, during their usual course of farming, one person namely, Karuppaiah, representing himself as Devaram Tea Shop Owner Murugan's cousin along with other persons illegally trespassed into the above said coconut farm and tried to encroach the part of farm land in S.No.657, which was rightly defended by the working farm hands and his brother namely M.Vijaykumar. The petitioner and other accused persons were said to have abused the defacto complainant with filthy language and also attacked him with hoe and threatened him with dire consequences. Hence, the defacto complainant gave a complaint. On the basis of the complaint given by the defacto complainant, the first respondent Police registered a case in Crime No.83 of 2020, for the offence under Sections 147, 447, 294(b), 323, 427 and 506(i) of IPC.



Crl.O.P.(MD).No.15473 of 2020

WEB COPY

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner raised a contention that the petitioner was not present in the scene of occurrence. The said plea of *alibi* is a matter for trial.

4. The learned Government Advocate (Crl.Side), on instructions submitted that the investigation was completed and the investigating agency collected sufficient materials against the petitioner and for his involvement in the said occurrence.

5. This Court has considered the rival submission made by the learned counsel and the learned Government Advocate (Crl.Side), appearing on either side and perused the materials available on record.

6. There is a specific averment in the FIR against the petitioner's involvement in the occurrence. Number of witnesses have spoken about the presence of the petitioner. Therefore, the plea of the *alibi* is a matter for trial and hence, this Court is not inclined to quash the FIR in Crime No.83 of 2020, and grants the liberty to the petitioner to raise the defence before the trial Court.



Crl.O.P.(MD).No.15473 of 2020

WEB COPY

7. Accordingly, this Criminal Original Petition stands dismissed. The proceedings in F.I.R.No.83 of 2020, on the file of the Kurangani Police Station, Bodinayakannur, Theni District, is hereby confirmed. Consequently, connected criminal miscellaneous petitions are closed.

24.11.2023

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

sbm

To

1. The Inspector of Police,
Kurangani, Bodinayakannur Taluk,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD).No.15473 of 2020

K.K.RAMAKRISHNAN, J.

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