

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.08.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.14399 of 2023
and Crl.M.P(MD).No.11336 of 2023

1.T.Kala

2.T.Rajarajeswari

3.C.Parani @ Parani Rajan

... Petitioners

Vs.

1.State of Tamil Nadu,
Rep.by its the Inspector of Police,
Vadipatti Police Station,
Madurai District.
Crime No.142 of 2023.

2.Rajeshkumar

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to FIR in Crime No.142 of 2023 registered on 12.04.2023 on the file of the first respondent Police and quash the same.

For Petitioner : Mr.V.Sukumar

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1
Mr.K.Jeyamohan
for R2

ORDER

This Criminal Original Petition is filed seeking quashment of FIR in Crime No.142 of 2023 registered against the petitioners by the first respondent Police for the offence punishable under Sections 147, 148, 448, 427, 379 and 506(1) IPC.

2. Insofar as the petitioners 1 and 2 are concerned, the learned counsel appearing for the petitioners submits that a false case has been foisted and both the petitioners were present in the scene of occurrence at the time of alleged offence as there are property disputes between the petitioners and the unofficial respondents. Insofar as the third petitioner is concerned, it is submitted by the learned counsel appearing for the petitioners that he has been working as Grade-II Constable in the Prison Department at Tirupathur and he has enclosed a Certificate given by his employer that he was attending the duty from 26.03.2023 to 27.03.2023 during which time the alleged offence is said to have been committed.

3. The learned counsel appearing for the unofficial respondents submits that the petitioners have forged the Legal Heir Certificate as they

are wife and daughter of one Thangaraja and basing on a complaint, a case has been registered against the petitioners in C.C.No.425 of 2022 on the file of the learned Judicial Magistrate, Madurai and the case is still pending for consideration. It is also submitted that the partition suit filed by the defacto complainant is pending wherein the petitioners are also parties to the said suit.

4. The learned Additional Public Prosecutor appearing for the official respondent, on the other hand, submits that there is a material against the petitioners 1 and 2 and in respect of the third petitioner, the Station House Officer was directed to investigate with reference to CCTV footage as to whether he was present in the scene of occurrence at the time of the alleged offence. It is also submitted that the respondent Police will take into consideration of the fact that he is working in Prison Department and will enquire as to whether that he was present in the scene of occurrence at the time of the alleged offence committed.

6. In view of the submission made by the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the official respondent, this Criminal Original Petition is disposed of directing the respondent Police to complete the

investigation within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
ssb

16.08.2023

To

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

DR.D.NAGARJUN. J.

ssb

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