



Crl.O.P(MD) No15903 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

Crl.O.P(MD) No15903 of 2020

1. S.Kathar Mohideen
2. K.Munnirah @ Nigar

... Petitioners

Vs.

1. The Inspector of Police
Melur Police Station
Madurai, Madurai District

2. Kathija Beevi

..Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records connected with Crime No.2054 of 2020 dated 06.11.2020 on the file of the first respondent and quash the same as illegal

For Petitioners : Mr.R.Rajaselvan

For R-1 : Mr.M.Sakthikumar
Government Advocate(Crl.Side)

For R-2 : Mr.S.M.A.Jinnah

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.2054 of 2020 on the file of the first respondent police.



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2. When the matter is taken up for hearing today, the Government Advocate(Crl.Side) represented that it is connected with the counter case in Crime No.2055 of 2020 and both the parties are close relatives and the dispute is with regard to the land and thereby the First Information Report cannot be quashed and investigation is also still pending and thereby at this stage this petition is not maintainable.

3. The learned counsel appearing for the petitioners would contend that there is a civil dispute pending between the parties and due to that civil dispute the second respondent had given false complaint and nobody was injured in this case and it is a false case and the registration of the First Information Report is pure abuse of process of law.

4. The learned counsel appearing for the second respondent/defacto complainant would contend that these petitioner also gave complaint as against the defacto complainant and the same is pending in Crime No.2055 of 2020. Since it is a case and case in counter proper investigation is required and thereby at this stage the petition is not maintainable and it is liable to be dismissed.

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



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6.It is an admitted fact that the defacto complainant and the petitioners are relatives and there is a civil dispute between the parties. Apart from that based on the complaint given by these petitioners counter case is also pending in First Information Report in Crime No. 2055 of 2020. Since it is related to case and case in counter and also considering the relationship between the parties it is not appropriate to scuttle the investigation at this stage and it requires elaborate investigation and thereby this Court is not inclined to quash the First Information Report.

7. In view of the same this Criminal Original Petition stands dismissed with liberty to the petitioners to challenge the final report if filed against them.

13.09.2023

Index : Yes / No

Internet : Yes / No

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To

1. The Inspector of Police
Melur Police Station
Madurai, Madurai District

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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