



CrI.O.P.(MD) No.15535 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.15535 of 2023

and

CrI.M.P.(MD).No.12329 of 2023

- 1.Nagarajan
- 2.Nallenthiran
- 3.Karthick
- 4.Pandeeswari
- 5.Vijayalakshmi

... Petitioners

Vs.

- 1.State represented by
the Inspector of Police,
Viralimalai Police Station,
Viralimalai,
Pudukkottai District.
(Crime No.246 of 2023)

- 2.Arumugam

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records in FIR in Crime No.246 of 2023, dated 23.07.2023 on the file of the first respondent and quash the same as illegal.

For Petitioners

: Mr.S.Sankar

For R1

**: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor**



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ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking for quashment of FIR in Crime No.246 of 2023, dated 23.07.2023 on the file of the first respondent Police registered for the offence under Sections 147, 148, 294 (b) and 506 (ii) of I.P.C. on the complaint filed by the *defacto* complainant.

2. It is submitted by learned counsel for the petitioners that even if the contents of the FIR are accepted to be correct, there is no material to hold that the petitioners have committed the offence punishable under Sections 147, 148, 294 (b) and 506 (ii) of I.P.C.

3. Learned Additional Public Prosecutor on the other hand submits that the respondent Police have recorded the statement of five persons under Section 161(3) of Cr.P.C. and the content of the said statement coupled with FIR would go to show that there are direct overtacts against the petitioners.



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4. Considering the same, FIR is not an encyclopedia, basing on the FIR, it cannot be concluded that there is no case against the petitioners. At this stage, learned counsel for the petitioners has submitted that if suitable directions are issued for speedy investigation without taking cognizance steps, it will meet the ends of justice.

5. Accordingly, this petition is disposed of, directing the respondent Police to complete the investigation in Crime No.246 of 2023 as quickly as possible not later than eight weeks from the date of receipt of a copy of this order and further respondent Police are directed not to take any coercive steps against the petitioners during the course of investigation. Consequently, the connected miscellaneous petition is closed.

6. Since learned counsel for the petitioners has expressed his apprehension that the investigation officer instead of registering a case on the basis of a complaint given by the petitioners against the defacto complainant, has registered a case against the petitioners basing on the complaint of the *defacto*



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complainant, the Deputy Superintendent of Police, Illuppur, is hereby directed to monitor the investigation being done by respondent No.1.

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

12.09.2023

tsg

To

1.The Deputy Superintendent of Police, Illuppur.

2. The Inspector of Police,
Viralimalai Police Station,
Viralimalai,
Pudukkottai District.

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



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DR.D.NAGARJUN. J.

tsg

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