



Crl.O.P.(MD)No.20621 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.20621 of 2021
and Crl.M.P.(MD)No.11727 of 2021

1.Ravi @ Sundaraj

2.Karthick

... Petitioners

Vs.

1.The State Rep by through
The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.1924 of 2020)

2.Sankarraja

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR in Crime No.1924 of 2020 dated 23.10.2020 on the file of the Inspector of Police, Thenkarai Police Station, Theni District and quash the same as against the petitioners.

For Petitioners : Mr.K.Ganesamoorthi



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For R1

: Mr.M.Sakthi Kumar,
Government Advocate (CrI. Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Cr.No.1924 of 2020 dated 23.10.2020 on the file of the Inspector of Police, Thenkarai Police Station, Theni District.

2.According to the petitioners, there is civil dispute pending between the parties for the past two months. In order to put an end to the dispute, they approached the surveyor. The defacto complainant lodged complaint stating that on 21.10.2020, at about 05.30 pm., while the defacto complainant standing in front of his house, the petitioners abused him in filthy language and threatened him and also attacked him. Based on the complaint, the first respondent registered FIR in Cr.No.1924 of 2020 for the offences under Sections 294(b), 323 & 506(i) IPC. The petitioners have not involved in the offence and they have been falsely implicated in this case.



3.The learned counsel appearing for the petitioners would contend that there is civil dispute pending between the parties and thereby, they decided to measure the land through surveyor. While facts are being so, the defacto complainant gave this false complaint. Hence, FIR is liable to be quashed.

4.The learned Government Advocate(Crl.side) appearing for the first respondent would contend that based on the complaint given by the second respondent, the first respondent registered FIR and the same is at initial stage. At this stage, without any investigation, the petitioners seek remedy through this petition.

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

6.On perusal of records revealed that based on the complaint given by the second respondent, the first respondent registered FIR in Cr.No. 1924 of 2020 for the offences under Sections 294(b), 323 & 506(i) IPC. According to the petitioners, they have been falsely implicated in this



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case. But the case is at initial stage. At this stage, without any investigation, this Court cannot form any opinion with regard to the allegations levelled in FIR. Hence, at this stage, this Court cannot invoke inherent power under Section 482 Cr.P.C.

7.Considering the nature of offences and also considering the facts and circumstances of the case, the first respondent is directed to complete the investigation and file final report, as early as possible, preferably, within a period of 60 days from the date of receipt of a copy of this order. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

18.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- To
- 1.The Inspector of Police,
Thenkarai 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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