



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.O.P.No.12432 of 2021
and
Crl.M.P.No.6942 of 2021

1.K.Saravanan
2.M.Boopathi

...Petitioners

Versus

1.State represented by,
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
Cr.No.192 of 2021.

2.Malar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the impugned FIR in Crime No.192 of 2021 on the file of the 1st respondent police, quash the same in so far as the petitioners/Accused Nos.1 and 2 are concerned, by allowing this Criminal Original Petition.

For Petitioners : Mr.N.Manoharan

For R1 : Mr.A.Damodaran,
Counsel for Government of Tamil Nadu

ORDER

This Criminal Original Petition has been filed by the petitioners to to call for the records relating to the impugned FIR in Crime No.192 of 2021 on the file of the 1st respondent police, quash the same in so far as the petitioners/Accused Nos.1 and 2 are concerned, by allowing this Criminal Original Petition.

2. The learned counsel for the petitioner would submit that the first petitioner is the absolute owner of the property and he gave power to the second petitioner and the second respondent



and others had assaulted, scolded and threatened him. Hence the petitioners filed the complaint before the Thammampatti police station against the second respondent and 8 others. Thammampatti Police registered the case in Crime No.203 of 2018. In order to escape from the clutches of law, second respondent foisted false case against the petitioner and the first respondent police without applying mind, registered the F.I.R No.192 of 2021 without any reason or any document and the case is civil in nature.

3. The learned Government Advocate (Criminal Side) has submitted that F.I.R is under investigation stage.

4. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the official respondent and perused the record.

5. Admittedly the first petitioner herein filed the complaint against the second respondent and 8 others in Crime No.203 of 2018 for the offences under section 147, 148, 294(b), 324, 341 and 506(ii) IPC on 20.10.2018 before the Thammampatti police station. Investigation is not yet completed and charge sheet also not filed. However, the second respondent filed the complaint against the petitioners in Crime No.192 of 2021 before the first respondent police on 13.04.2021 and it is stated that the petitioner also in order to escape from the clutches of law, foisted the false case against the second respondent in Crime No.203 of 2018.

6. The Thammampatti police not yet completed the investigation and laid charge sheet in Crime No.203 of 2018 whereas, in Crime No.192 of 2021 the first respondent police arrested the petitioner. As contended by the learned counsel for the petitioner, the property is in the name of the first petitioner and he has given the power of attorney in favour the second petitioner. Since the case in Crime No.192 of 2021 is purely civil in nature and is liable to be quashed and the same is quashed. Subsequently, with regard to Crime No.203 of 2018, the Thammampatti Police is directed to complete the investigation and lay a charge sheet on or before 24th September 2021.



7. With the above directions, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mfa

To

- 1.The Inspector of Police,
Thalaivasal Police Station,
Salem District.
- 2.The Inspector of Police,
Thammampatti Police Station,
Salem District.
3. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.N.Manokaran,Advocate,Sr.34575

CRL.O.P.No.12432 of 2021

UM[co]
NSK 02/08/2021