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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.1754 of 2022
and
Crl.M.P.(MD)No.1272 of 2022

1.P.Manikandan
2.P.Patchaimmal
3.N.Raja ... Petitioners/A1 to A3

Vs.

1.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
Crime No.414 of 2021 ... 1st Respondent/Complainant

2.K.Pandi ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of C.P.C., to call for the records pertaining to the First Information Report in Crime No.414 of 2021, dated 14.10.2021 on the file of the first respondent police for the alleged offences under Sections 147, 427, 447, 294(b) and 506(ii) of IPC and quash the same as illegal in sofar as the accused 1 to 3 are concerned.

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For petitioner : Mr.T.Thirumurugan

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor for R1

M/s.J.Saranya for R2

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.414 of 2021, on the file of the first respondent.

2.The case of the prosecution is that on 11.10.2021 at about 07.00 a.m., there was a civil dispute pending between the parties, the petitioners and other accused had illegally entered into the said suit property and also threatened him with dire consequences. Thereby, the second respondent lodged a complaint before the first respondent police and the same was registered in Crime No.414 of 2021 for the offences under Sections 147, 427, 447, 294(b) and 506(ii) of IPC.

3.The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and the petitioners also made a complaint as against the second respondent and others with the very same police station in Crime No.412 of 2021. For counter blast,

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the accused herein filed a false complaint before the first respondent police in order to wreck vengeance and further, even a bare perusal of the FIR revealed that it is only a civil dispute, which was given in a criminal color and filed a false complaint before the first respondent police which is not sustainable one. He would further submit that in respect of counter case, the respondent Police has to necessarily follow the procedures under Section 566(2) of the Tamil Nadu Police Standing Orders and this Court may issue a direction to the respondent Police to follow the procedure contemplated under 566(2) of the Tamil Nadu Police Standing Orders.

4.The learned Additional Public Prosecutor would submit that due to property dispute, both parties attacked each other. Thereby, the first respondent police registered a case against the offenders and the FIR in Crime No.412 of 2021, charge sheet was already filed and in the present case, the charge sheet is made ready and the case in counter, the first respondent police have followed the procedures contemplated under Section 566(ii) of the Police Standing Orders. Hence, he prayed for dismissal of this petition.

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5.In view of the above, FIR in Crime No.414 2021, investigation has been completed and the charge sheet is made ready, the Investigating Officer is directed to follow the procedure contemplated under Section 566(2) of the Tamil Nadu Police Standing Orders and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above directions, the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

23.02.2024

Index : Yes/No
Internet : Yes/No
NCC: Yes/No
SJI

To

1.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

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

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M.DHANDAPANI. J.

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