



CrI.O.P.(MD)No.3023 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.3023 of 2024

and

CrI.M.P.(MD)No.2402 of 2024

1.Navaneetha Krishnan

2.Murugaiyan

... Petitioners

Vs.

1.The Inspector of Police,
Vellanur Police Station,
Pudukottai District.
(Crime No.2 of 2024)

2.Thanikkasalam

3.Sivakumar

... Respondents

(R3 is impleaded as per order dated 08.07.2024 made in CrI.M.P.
(MD)No.6711 of 2024)

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in Crime No.2 of 2024 pending on the file of the Inspector of Police, Vellanur Police Station, Pudukottai District and quash the same as against the petitioners.



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For Petitioners : Mr.R.Anand
For R1 : Mr.P.Kottaichamy,
Government Advocate(Crl.side)
For R2 & R3 : Mr.Jegadeeswaran

ORDER

This criminal original petition has been filed to quash the first information report in Cr.No.2 of 2024 pending on the file of the first respondent Police.

2.The case of the prosecution is that there is already a civil dispute between the parties, due to which, the accused persons plucked the crops planted by the second respondent. When the same was questioned by the second respondent, the accused persons abused him in filthy language, threatened him with dire consequences and also attacked him and the third respondent with aruval and caused severe injuries. Hence, the case.

3.The learned counsel appearing for the petitioner submits that it is

<https://www.mhc.tn.gov.in/pdfs> purely civil dispute between the family members and they have also filed



a suit for partition and the subject property was allotted to the petitioners in the partition. However, the defacto complainant has trespassed into their property and prevented him from doing agricultural works. The petitioners have also lodged a complaint before the first respondent Police, based on which, a case in Cr.No.3 of 2024 came to be registered as against the second and third respondents for the offences under Sections 294(b), 341, 323 324 and 506(ii) IPC. Therefore, he prays to quash the impugned FIR.

4.Considering the fact that the parties are close relatives and there is a civil dispute pending between them, this Court by an order dated 24.04.2024 referred this matter to the Mediation and Conciliation Centre, attached to this Bench. The Mediator has also filed his report stating that the mediation is failed.

5.The main contention of the petitioners is that there is a civil dispute between the parties and therefore, the present case has been foisted. The learned counsel appearing for the petitioners submits that the occurrence had taken place in the field and therefore, it cannot be treated as public place. Hence, the offence under Section 294(b) IPC



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would not attract. He further submits that the petitioners are the victims and the second respondent is the aggressor, for which, a case in Cr.No.3 of 2024 came to be registered.

6.It is seen that the petitioners are Government Servants and they have been arrayed as A1 and A2 in Cr.No.2 of 2024, which was registered based on the complaint given by the second respondent. A counter case has also been registered in Cr.No.3 of 2024. The second and third respondents claim that on 27.11.2023, they have sustained injuries and they were admitted in the Government Hospital. The Police appears to have recorded their statement from them, however, they have registered the case only on 02.01.2024, after a lapse of 34 days. There is no explanation from the first respondent Police for registering the complaint belatedly. Few hours of delay in registering FIR is a ground to suspect the defacto complainant and to acquit the accused. This is a settled principle and therefore, every Police Officers are expected to know the importance of registering FIR, without any delay. Despite that, the first respondent Police has not registered the case nearly for 34 days, though the second and third respondents have sustained injuries.



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7.The petitioners claim that there is a civil dispute between the parties. A civil dispute or any motive is a double edged weapon, which can be a ground for foisting a case as well as a reason for commission of offence. It is a matter, which can be investigated only by the Police. Therefore, this Court is not inclined to interfere with FIR. At the same time, this Court is not appreciating the manner in which the case came to be registered. Therefore, this Court directs the Superintendent of Police, Pudukottai District to withdraw the cases in Cr.Nos.2 and 3 of 2024 from the file of the first respondent Police and entrust the same to some other sincere Police Officer. The Superintendent of Police is also expected to initiate appropriate departmental proceedings as against the first respondent Police, who has failed to register the case for one month.

8.The new Investigating Officer is expected to conduct the investigation in a fair and proper manner, as contemplated in the Clause 566 of the Police Standing Orders. The Investigating Officer has to find out who is the aggressor and file final report as against the aggressor. In any event, if both persons have committed the offence, it is open to the Investigating Officer to file final report as against both the parties. The



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investigating Officer is expected to complete the investigation and file final report in both Cr.Nos.2 and 3 of 2024, within a period of four months from the date of receipt of a copy of this order.

9.In the result, this criminal original petition is dismissed.
Consequently, connected miscellaneous petition is closed.

08.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

- 1.The Superintendent of Police,
Pudukottai District.
- 2.The Inspector of Police,
Vellanur Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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