



Crl.O.P.(MD) No.3215 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.3215 of 2024

and

CRL.M.P (MD) No.2561 of 2024

1. Mohanraj Arumai Nayagam,
2. R.Henry Thomas,
3. Dkm Johnson @ Johnson David Koilmani
4. Stalin @ Stalin Raja,
5. Arun Jebakumar,

... Petitioners

Vs

State through

1. The Inspector of Police,
Thoothukudi North Police Station,
Toothukudi District.
Crime No.3 of 2024.

2. Davidraj,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the Impugned FIR in Crime No.3 of 2024 dated 03.01.2024 on the file of the first respondent Police and



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quash the same as against all the Petitioners.

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For Petitioners : Mr.V.Malaiyendran
For R1 : Mr.M.Sakthi Kumar
Government Advocate (CrI. side)

ORDER

The accused in Crime No. 3 of 2024 have filed this application to quash the FIR pending against them.

2.The case of the prosecution is that due to previous enmity, on 03.01.2024, the accused persons trespassed the petition mentioned church, assaulted the defacto complainant with hands and steel rod, abused him using filthy language and threatened him with dire consequences. Hence the case was registered.

3.The learned Counsel for the petitioners submit that the offence under Section 294(b) is not made out since the complainant itself stated that the said incident took place only inside the church and not in the public place. He further submits that mere exchange of words do not attract the



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offence under Section 506(ii) IPC. Hence the FIR is liable to be quashed.

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4.The learned Government Advocate (Criminal Side) submits that the case was registered only on 03.01.2024 and it is a matter for investigation.

5.This court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by the petitioners can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by the petitioners herein can very well be appreciated by the investigating officer during the course of investigation.

7.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant



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including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

8. Therefore, this petition is dismissed with liberty to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and shall conclude the investigation within a period of six months either by filing final report or with a closure report. In the event, if any final report is filed, it is always open to the petitioners to challenge the same in the manner known to law.

9. Consequently, the connected miscellaneous petition is closed.

12.04.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

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To

1. The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.

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



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B.PUGALENDHI, J.

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