



WEB COPY



Crl.O.P.(MD)No.10773 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.10773 of 2022
and
CrI.M.P(MD).No.6773 of 2022

1.Thamaraiselvan
2.Nithish Kumar
3.Nikesh Kumar
4.Sathyabama
5.Vijayakumar

... Petitioners

Vs.

1.The Superintendent of Police,
Theni District,
Theni.

2.State through the S.I of Police,
Thenkarai Police Station,
Theni District.

3.Sasikumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.96 of 2022



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on the file of the second respondent police and quash the same and thereby set free at liberty of these petitioners/accused, now who are on anticipatory bail in the above Crime No.96 of 2022 on the file of the 2nd respondent police, considering the educational career of the petitioners also.

For petitioner : Mr.R.Prakash
For R1 : Mr.B.Nambiselvan
Additional Public Prosecutor
For R2 : Mr.J.Vishnu

ORDER

This Criminal Original Petition has been filed seeking to quash FIR in Crime No.96 of 2022 on the file of the second respondent Police against the petitioners.

2. The case of the prosecution is that due to the property dispute between the parties, on 09.02.2022 at about 09.00 p.m, while the defacto complianant along with others standing in front of their house, at that time, the petitioners along with the other accused attacked the defacto complainant and others and caused injuries to them.



3. The learned counsel for the petitioners submitted that the dispute between the family members and it is a case in counter case. Challenging the case filed by the respondent Police against the petitioners herein, the present petition has been filed. He would further submit that in respect of counter case, the respondent Police has to necessarily follow Clause 566(ii) of the Police Standing Orders and this Court may issue a direction to the respondent Police to follow the procedure contemplated under 566(ii) of the Police Standing Orders.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that this Court may issue a direction to the respondent Police to follow the procedure contemplated under Clause 566(ii) of the Police Standing Orders.

5. In view of the above, this Court is inclined to grant permission to the petitioners to produce all necessary documents before the Investigating Officer and on such production, the Investigating Officer is directed to follow the procedure contemplated under Clause 566(ii) of the Police Standing Orders and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.



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6. Accordingly, the Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

28.02.2024

Index : Yes/No
Internet : Yes/No
tta

To

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.State through the S.I of Police,
Thenkarai Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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