



CrI.O.P.(MD)No.8362 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD) No.8362 of 2024 and
CrI.MP(MD) No.5685 of 2024

1. P.Vadivel
2. Banupriya
3. P.Senthil
4. S.Sobana

... Petitioners

Vs

- 1.The Inspector of Police,
Velayuthampalayam P.S,
Karur Dist.

- 2.Santhiya

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR in Crime No.50 of 2022 pending on the file of the first respondent police and quash the same.

For Petitioners
For R1

: Mr.T.S.R.Venkat Raman, Senior Counsel
: Mr.P.Kottaichamy
Government Advocate(CrI.side)

ORDER

This Criminal Original Petition is filed to quash the proceedings in Crime No.50 of 2022, on the file of the respondent police, insofar as the petitioners are concerned.



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2.The petitioners are A1 to A4 in the above case, which has been registered as against these petitioners and others, based on the complaint of the second respondent, for the offence under Sections 147, 448, 294(b), 323, 427 and 506(ii) of IPC and section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, on the file of the respondent police.

3.The learned counsel for the petitioners submits that the father of the defacto complainant has sold the subject property to the first petitioner by way of a registered sale deed on 15.03.2019. The petitioners are in occupation of the property. While so, in the year 2022, after execution of the document, the defacto complainant's father has attempted to interfere with their peaceful possession. Therefore, the petitioners have filed a suit in OS No.43 of 2024 as against the defacto complainant's father before the District Munsif Court, Karur and the same is still pending. The defacto complainant's father has also filed another suit as against this petitioner in OS No.764 of 2022, before the Sub Court, Karur to declare the document, dated 15.03.2019 as null and

<https://www.mhc.tn.gov.in/judis> void. Pending the civil suits, the present complaint has been lodged by



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the defacto complainant, as if the petitioners have entered into the premises of the defacto complainant and caused damage to the house of the defacto complainant.

4.The learned senior counsel appearing for the petitioners submits that they are in the possession of the property from the year 2019 and they are doing some renovation work in the property. However, it is projected that these petitioners have demolished the building with some henchmen by using JCB. The respondent police, without looking into the document, dated 15.03.2019 that the property stands in their name, mechanically registered a case, based on the complaint given by the defacto complainant.

5.The learned Government Advocate (Crl.side) appearing for the respondent police has produced a photograph, which shows the manner, in which the house was damaged. He also submits that the investigation has been almost completed and they are waiting for the valuation report and once they receive the valuation report, they would file the final report immediately.



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6.This Court considered the rival submissions made and also

perused the materials placed on record.

7.The case is at the stage of First Information Report. The learned senior counsel has projected his case based on the registered sale deed, dated 15.03.2019 that the defacto complainant's father himself has executed the sale deed on the subject property in the year 2019 itself. Both the parties have filed separate suits and the same are still pending. There is a case and counter case. The allegations and the counter allegations can be only decided during the course of investigation. The grounds raised by the petitioner herein can very well be appreciated by the investigating officer during the course of investigation. The Investigating Agency is expected to conduct the investigation in a fair and proper manner, find out the truth and file a final report. In the event, if any final report is filed, it is always open to the petitioner to challenge the final report in the manner known to law. The respondent police shall conduct the investigation based on the grounds raised by this petitioner in this petition.



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8.The motto of the government in its emblem is Truth Alone

Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

9.Therefore, this petition is closed with liberty to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and conclude the investigation and shall file the final report or the closure report, as the case may be. Consequently, the connected miscellaneous petition is closed.

03.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

vrn

To

1. The Inspector of Police,
Velayuthampalayam P.S,
Karur District.

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

<https://www.mhc.tn.gov.in/judis>



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