



Crl.O.P.(MD)No.6417 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.6417 of 2024

and

Crl.M.P(MD)No.4864 of 2024

Chandrasekaran

... Petitioner

Vs.

State Rep. by

1.The Sub-Inspector of Police,
Vadipatti Police Station,
Vadipatti, Nilakottai Vattam,
Madurai.

2.Mohana Viswanth

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the FIR in Crime No. 114 of 2024 dated 26.03.2024 for the offences under Sections 294(b), 323, 427 and 506(1) of IPC pending on the file of the first respondent and quash the same.

For Petitioner

: M/s.M.Nila

For R1

: Mr.P.Kottaichamy
Government Advocate (Crl. side)



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ORDER

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The petitioner is an accused in Crime No.114 of 2024 has filed this application to quash the FIR pending against him.

2.The case of the prosecution is that there is a property dispute pending between the parties, on 26.03.2024, at about 07.30 a.m., when the defacto complainant went to his land near Kuna Tea Shop at Vadipatti Ring Road, the petitioner came there, abused the defacto complainant in filthy language, attacked him, threatened him with dire consequences and also caused damage to his vehicle. Hence, the case.

3.According to the learned counsel for the petitioner, there is a CCTV footage available at the place of occurrence and as per the CCTV footage, the alleged incident has taken place at 8.20 a.m, however, it has been projected by the respondent police that there was an incident at 07.30 a.m., based on that, a case has been foisted as against the petitioner.

4.The learned Government Advocate (Crl. side) submits that it is a matter for investigation and it can be raised during the course of investigation.

<https://www.mhc.tn.gov.in/judis> 5.This Court considered the rival submissions made.



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6.The case is pending at the stage of investigation. The grounds raised by this petitioner 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 this petitioner 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 including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

8.Admittedly, it is a case in counter and it is the responsibility of the respondent police to find out who is the aggressor and therefore, this Court is not inclined to quash the FIR.



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9. Therefore, this petition is closed with a direction to the respondent police to conduct the investigation in a fair manner, by considering the points raised in this application, during the course of investigation and conclude the investigation within a period of two months either by filing final report or with a closure report. Consequently, connected miscellaneous petition is closed.

26.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
sjj

To

1. The Sub-Inspector of Police,
Vadipatti Police Station,
Vadipatti, Nilakottai Vattam,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

sjj

Order made in
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