



Crl.O.P.(MD) No.12060 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.12060 of 2024

and

CRL.M.P (MD) No.7582 of 2024

1. Muthumurugan

2. Ramakrishnan

3. Velmurugan

4. Ramachandran

... Petitioners

Vs

1. The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
in Crime No.120/2024.

2. Muthukumar,
Village Administrative Officer,
Allalaperi Group,
Kariyappatti Taluk,
Virudhunagar District.

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the FIR in Crime No.120 of 2024 dated 10.05.2024 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.Karthigaivel.A,
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

The accused in Crime No. 120 of 2024 have filed this application to quash the FIR pending against them.

2.The case of the prosecution is that the accused have pasted posters in the petitioners' village as if the second respondent/Village Administrative Officer is creating and issuing bogus patta. Hence the case.

3.The second respondent has lodged the complaint before the respondent police on 10.05.2024 that the petitioners have insisted him to help them for illegal transportation of sand, for which, the Village Administrative Officer/second respondent has not obliged them. Therefore,



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they have pasted the posters as against the Village Administrative Officer/ second respondent as if that the Village Administrative Officer/ second respondent is creating bogus patta. The complaint has been registered in Crime No.120 of 2024 for the offences under Sections 186, 504 and 506(1) IPC and Section 3 of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

4.The case of the petitioners is that the alleged poster has been pasted without any reference about the petitioners. However, the petitioners have given a representation before the Village Administrative Officer/second respondent and therefore, the petitioners have been fixed as accused in this case.

5.The learned Counsel appearing for the petitioners further submits that the ingredients to attract the offences under Sections 186, 504 and 506(1) IPC and Section 3 of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 are not available in this case. However, the case has been mechanically registered without any basis. He has also relied on a memo issued by the Revenue Divisional Officer, Aruppukottai in



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ந.க.அ1/5700/2023, dated 30.04.2023 and has submitted that the Village Administrative Officer has created a bogus patta.

6.The learned Government Advocate (Criminal Side) submits that the petitioners are sand offenders. They are involved in the following cases:

"Crime No.120/2024, which was registered for the offence under Sections 186, 504, 506(1) IPC r/w Section 3 of TNOPPD Act.

Crime No.220/2020, which was registered for the offence under Section 269 IPC.

Crime No.11/2020, which was registered for the offence under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC r/w Section 4 of TNPHW Act.

Crime No.569/2011, which was registered for the offence under Sections 147, 148, 323 and 325 IPC.

Crime No.414/2009, which was registered for the offence under Sections 147, 294(b), 323 and 506(1) IPC.

Crime No.37/2017, which was registered for the offence under Section 294(b) IPC."

7.The learned Government Advocate (Criminal Side) further submits that since the case has been registered at the instance of the Village Administrative Officer/second respondent, the petitioners/sand offenders



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have pasted the posters as against the Village Administrative Officer/second respondent to wreak the vengeance.

8.This court considered the rival submissions made.

9.The petitioners are having some criminal antecedents. A poster was also pasted in the name of Allalaperi Village as against the Village Administrative Officer/second respondent. It appears that the Village Administrative Officer/second respondent being a part of the Taluk Level Task Force to prevent the illegal transportation of the sand has taken some initiatives as against the sand offenders and a case has also been registered as against the petitioners. Whether the petitioners have indulged in the offence or not is a matter for investigation. Therefore, this Court is not inclined to quash the FIR at this stage. The respondent police shall find out the press, which printed those posters and on whose instruction they printed the posters.

10.If the petitioners are having any grievance as against the Village Administrative Officer/second respondent, they ought to have lodged a



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complaint before the District Collector or before the Vigilance and Anti Corruption Department by pointing out the manner in which, the second respondent has committed the offence. Pasting of such posters will certainly deter the government servant from discharging his function, which needs to be addressed by the respondent police.

11.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.

12.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



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government and to ensure Truth alone Triumphs.

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13. 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 shall conclude the investigation as expeditiously as possible either by filing final report or with a closure report. Consequently, the connected miscellaneous petition is closed.

30.07.2024

NCC : Yes/No

Internet: Yes/No

Index: Yes/No

LR

To

1. The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.

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

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