



Crl.O.P.(MD)No.16738 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.16738 of 2022

and

Crl.M.P.(MD)No.11198 of 2022

Ravichandran

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
Crime No.199 of 2022

2.Madasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the FIR relating to Crime No.199 of 2022 on the file of the first respondent Police and quash the same as against the petitioner.

For Petitioner : Mr.S.Sivakumar

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor.

For R2 : Mr.J.Gavinsilvester



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ORDER

This Criminal Original Petition has been filed to quash FIR in Crime No.199 of 2022 on the file of the first respondent Police.

2.The case of the prosecution is that there was a dispute between the parties with regard to the temple property. Due to the same, the accused persons damaged the idol of the temple. Hence, the defacto complainant preferred a complaint, based on which, the first respondent registered FIR in Cr.No.199 of 2022 for the offences punishable under Sections 109 and 295 IPC. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that admittedly, the petitioner purchased land from one Gangadevi and the temple is situated in the said property. Subsequently, the petitioner executed settlement deed in favour of his sister and as such, he is no longer the owner of the property and he did not commit any offence as



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alleged by the prosecution. He further submitted that during pendency of this petition, the petitioner took steps to restore the property and he is not claiming ownership of the property. Accordingly, he prayed to quash the impugned FIR.

4.The learned Additional Public Prosecutor appearing for the first respondent submitted that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he prayed to dismiss the present petition.

5.On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped the petitioner, it is needless to state that action against them should be dropped. Interfering with the investigation, which is at an initial stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*. The first respondent police is directed to bear in mind the tendency of such



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complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not subjected to humiliation.

6.In view of the above, the first respondent Police is directed to conduct investigation in Cr.No.199 of 2022 by giving necessary opportunity to all the parties and complete the same, within a period of two weeks from the date of receipt of a copy of this order. Accordingly, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

15.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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