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Crl.O.P.(MD)No.19542 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.19542 of 2022

and

Crl.M.P.(MD).No.13330 of 2022

Palanivel

... Petitioner

Vs.

1.State Rep. By
The Sub Inspector of Police,
Illuppur Police Station,
Pudukottai District.

2.Alamkhan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in connection with the FIR in Crime No. 264 of 2022 pending on the file of the first respondent police and quash the same as against petitioner.

For petitioner
For R-1

: Mr.P.Muthusamy
: Mr.S.Manikandan
Government Advocate (Crl.Side)



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ORDER

This petition has been filed seeking to quash the proceedings in Crime No.264 of 2022 on the file of the first respondent Police, insofar as the petitioner is concerned.

2. The case of the prosecution is that on 16.09.2022 at about 5.30 p.m, petitioner along with the other accused persons were damaged the defacto complainant's property. Hence, the second respondent has given a complaint before the first respondent Police and the same was registered in Crime No.264 of 2022 for the alleged offence punishable under Sections 447, 427 and 506(ii). Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the respondent Police has included the petitioner's name in the FIR without considering the real fact. He would further submit that there is no specific overtact against the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the first respondent Police would submit that there are materials



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available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5. On a reading of FIR, there appears to be some materials for the investigation to proceed. Interfering with the investigation, which is at an infancy 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*.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, the first respondent Police is directed to conclude investigation in Crime No.264 of 2022 within a period of four weeks from the date of receipt of a copy of this order.

18.03.2024

Index : Yes/No
Internet : Yes/No
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To

1. The Sub Inspector of Police,
Illuppur Police Station,
Pudukottai District.

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

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M.DHANDAPANI. J.

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