



Crl.O.P.(MD)No.17583 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.17583 of 2022

and

Crl.M.P.(MD)No.11908 of 2022

Shanmugavel

... Petitioner/10th accused

Vs.

1.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No. 156 of 2022).

...1st Respondent/Complainant

2.Dhanasingh Jeyaraj

... 2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.156 of 2022, dated 17.04.2022 on the file of the Inspector of Police, Thattarmadam Police Station, Thoothukudi and quash the same in so far as the petitioner concerned.

For Petitioner : Mr.David Ganesan.J

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

For R2 : Mr.S.Vinodh



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ORDER

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This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.156 of 2022 on the file of the first respondent.

2.The case of the prosecution is that the defacto complainant's sister made fencing to her land, but the same was destroyed and damaged by some persons. On the basis of the complaint given by the defacto complainant's sister, a case in Crime No.153 of 2022 was registered. So, in order to wreck vengeance, the accused persons trespassed into the house of the defacto complainant, attacked and threatened him with dire consequences. Further, they caused damage to the two wheelers belong to the defacto complainant. Hence, the case in Crime No.156 of 2022 has been registered for the offences punishable under Sections 147, 148, 294(b), 427, 506(ii) and 109 of IPC against the petitioner and other accused persons.



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3.The learned counsel appearing for the petitioner would submit that it is purely civil dispute and the entire dispute arose between the accused Nos.1 to 6 and the defacto complainant only. This petitioner is arrayed as 10th accused and is studying III year B.E. Further, he is no way connected with the alleged occurrence and is falsely implicated in this case. Accordingly, he prayed to quash the impugned first information report.

4.The learned Additional Public Prosecutor appearing for the first respondent would submit 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 would pray 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 in the petitioner, it is needless to state that action against him should be dropped. Interfering with the investigation, which is at an infancy stage



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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

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 the result, this criminal original petition is dismissed.

Consequently, connected miscellaneous petition is closed.

13.03.2024

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
Indu		



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- To
- 1.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

Indu

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