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Crl.O.P.(MD)No.19601 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.19601 of 2022

and

Crl.M.P.(MD).No.13418 of 2022

- 1.S.Ammaiappan
- 2.Solarajan @ Solarasan
- 3.P.Karthikeyan
- 4.Kaliappan
- 5.Petchiappan.A @ Petchiyappan
- 6.Ganesan
- 7.Rajaram
- 8.Marimuthu
- 9.Ayyar

... Petitioners

Vs.

- 1.State represented by
the Deputy Superintendent of Police,
Tenkasi Taluk,
Tiruenelveli District-627 811.
- 2.The Sub Inspector of Police,
Sivagiri Police Station, Tenkasi District.
(In Crime No.139 of 2022)

3.Mathivanan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the case registered in First



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Information Report in Crime No.139 of 2022 on the file of the respondent and quash the same as illegal.

For petitioners : Mr.G.Anto Prince
For R-1 & R-2 : Mr.B.Nambiselvan,
Additional Public Prosecutor
For R-3 : Mr.T.Thirumurugan

ORDER

This petition has been filed seeking to quash the proceedings in Crime No.139 of 2022 for the offence punishable under Sections 109, 147, 294(b) and 506(1) IPC and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the file of the respondent against the petitioner herein.

2. The case of the prosecution is that due to previous enmity, the petitioners herein abused the defacto complainant by using his caste name and thereby, criminally intimidated him. Hence, the third respondent made a complaint before the respondent Police and the second respondent Police registered a case in Crime No.139 of 2022 for the offence punishable under Sections 147, 109, 294(b) and 506(1) IPC and Sections 3(1)(r), 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989. Challenging the same, the present petition has been filed.



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

4. Heard the learned counsel appearing on behalf of the third respondent.

5. The learned Additional Public Prosecutor appearing for the respondent Police would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

6. 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*.



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7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

However, the second respondent Police is directed to conclude investigation in Crime No.139 of 2022 within a period of four weeks from the date of receipt of a copy of this order.

20.03.2024

Index : Yes/No

Internet : Yes/No

NCC : Yes / No

TSG

To

1.The Deputy Superintendent of Police,
Tenkasi Taluk,
Tiruenelveli District-627 811.

2.The Sub Inspector of Police,
Sivagiri Police Station, Tenkasi District.

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



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M.DHANDAPANI. J.

TSG

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