



Crl.O.P.(MD)No.20768 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.03.2024**

CORAM:

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

Crl.O.P.(MD) No.20768 of 2022

and

Crl.M.P.(MD)No.14465 of 2022

1.Binoj

2.Christal Suja

... Petitioners/A1 & A2

Vs.

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Sub-Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District.

3.Gobukumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records from the second respondent police in FIR in Crime No.472 of 2021 and quash the same as it has no prima facie against the petitioners.

For Petitioners : Mr.Ananth C.Rajesh

For Respondents : Mr.S.Manikandan
Government Advocate (Crl. side)
for R1 & R2

Mr.G.Cenil for R3



ORDER

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This petition has been filed to quash the FIR in Crime No.472 of 2021, on the file of the first respondent.

2.The case of the prosecution is that the petitioners had destroyed the defacto complainant's compound wall. When the same was questioned by the defacto complainant, the petitioners abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the case.

3.The learned counsel for the petitioners would submit that there is a civil suit in O.S.No.163 of 2021 pending between the parties, the third respondent made a false complaint against the petitioners. He would further submit that several cases are pending on the very same subject and hence, this Court may issue a direction to the second respondent police to close the case as 'action dropped', if it is a civil dispute.

4.The learned counsel for the third respondent would submit that the said suit was filed prior to the date of occurrence and deliberately, the petitioners abused the defacto complainant in filthy language and also



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tried to attack him. However, this Court may issue a direction to the second respondent police to conclude the investigation after providing an opportunity to the petitioners as well as the defacto complainant, within a time stipulated by this Court.

5.The learned Government Advocate (Crl. side) for the respondents 1 and 2 would submit that the investigation will be completed within a reasonable time as fixed by this Court.

6.In view of the above, the second respondent police is directed to complete the investigation in Crime No.472 of 2021 within a period of four weeks from the date of receipt of a copy of this order, after providing an opportunity to the petitioners as well as the second respondent.

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

21.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji



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To

- 1.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 2.The Sub-Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

Sji

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