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Crl.O.P.(MD)No.22590 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2024**

CORAM:

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

Crl.O.P.(MD) No.22590 of 2022

and

Crl.M.P.(MD).No.15953 of 2022

1.Perumal

2.Raju @ Raj

... Petitioners

Vs.

1.State represented by
the Inspector of Police,
Melur Police Station,
Melur,
Madurai District.
(Crime No.582 of 2016)

2.S.Balakrishnan,
Village Administrative Officer,
Thiruvathavur Village,
Melur Taluk,
Madurai District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.582 of 2016, dated 18.06.2016 on the file of the first respondent and quash the same insofar as the petitioners are concerned (Accused Nos.12 and 13).



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For petitioners : Mr.C.Ganeshkumar
For R-1 : Mr.S.Manikandan,
Government Advocate
(Criminal Side)

ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.582 of 2016, dated 18.06.2016 on the file of the first respondent Police for the offence punishable under Sections 147, 447, 353, 323, 153, 506(1) and 188 IPC insofar as the petitioners are concerned.

2. The case of the prosecution is that the party, viz., Liberation Tigers of Tamil Nadu without obtaining prior permission put the flag pole behind the Anna Statue on 18.06.2016. It is alleged that the accused persons obstructed the work of the Government employees and disobeyed the orders of the higher authorities and raised the flag pole and created law and order problem in the locality. Hence, the second respondent, who is the Village Administrative Officer, has given a complaint before the first respondent Police and the same was registered in Crime No.582 of 2016 for the alleged offence punishable under Sections 147, 447, 353, 323, 153, 506(1) and 188 IPC. Challenging the same, the present petition has been filed.



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3. The learned counsel appearing for the petitioner 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 petitioner

4. The learned Government Advocate (Criminal Side) appearing for the first respondent Police 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 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



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investigation in Crime No.582 of 2016 within a period of four weeks
from the date of receipt of a copy of this order.

25.03.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Inspector of Police,
Melur Police Station,
Melur,
Madurai District.

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



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M.DHANDAPANI. J.

TSG

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