



CrI.O.P.(MD)No.135 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.01.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD)No.135 of 2024

and

CrI.M.P.(MD)No.90 of 2024

Sudalaimani

... Petitioner

Vs.

1. State represented by
The Inspector of Police,
Maniyachi Police Station,
Thoothukudi District.

2. Packiaraj

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in F.I.R in Cr.No.39 of 2023, dated 23.11.2023 pending on the file of the first Respondent Police as against the Petitioners and quash the same.

For Petitioner : Mr.M.Pandian

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (CrI.Side)



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ORDER

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This Criminal Original Petition had been filed seeking to quash the F.I.R in Cr.No.39 of 2023, dated 23.11.2023 pending on the file of the first Respondent Police as against the Petitioner.

2. The learned Counsel for the Petitioner submitted that the Petitioner is the sole accused in Cr.No.36 of 2023 on the file of Inspector of Police, Maniyachi, Thoothukudi District.

3. The learned Counsel for the Petitioner submitted that the second Respondent has preferred a complaint against the Petitioner as he had damaged the crops belonging to the second Respondent. It is the submission of the learned Counsel for the Petitioner that there had been a dispute between the parties regarding the possession of lands. Earlier also, there were complaints and counter complaints among the Parties. While so, the second Respondent with an ulterior motive and vengeance against the Petitioner regarding complaint preferred against the second Respondent, had filed a complaint based on which a case was registered in Cr.No.39 of 2023. Therefore, he seeks to quash the same.

4. The learned Government Advocate (Cr.L.Side) vehemently objects



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that the Petitioner alleged to have used the chemical spray on the crops cultivated by the second Respondent in the field, which he had purchased from one Mariammal. Based on the insecticide or the chemical used on the field of the second Respondent, the crops dried up. The second Respondent came to know that the Petitioner has insisted one Arjunan and Paramasivam to damage the crops of the second Respondent, but they refused to do so. Therefore, the Petitioner himself had damaged the crops by using chemical spray, thereby, causing loss to the tune of Rs.50,000/- (Rupees Fifty Thousand only) approximately to the second respondent.

5. The learned Government Advocate vehemently objects by stating that both the cases are fresh cases and it was under investigation. It is too early to consider and to quash the same. Therefore, this petition has no merits and this petition is liable to be dismissed.

6. Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (CrI.Side) and on perusal of the typed set, it is found that there are claims and counter claims between two parties. Both the parties had preferred complaints against each other, based on which F.I.R in Cr.Nos.36 and 39 of 2023 had been registered by the first respondent. When there are case and counter case, it is not fair on



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the part of this Court to quash F.I.R. The investigation officer is directed to act as per the Police Standing Orders. Three options are given either to conduct enquiry and find out who is the culprit and close the other case which is found fictitious, or to drop both the cases or to investigate both the cases and file appropriate final report. This Court directs the first Respondent to conduct fair investigation in both the cases and file a final report against both the parties. If there are sufficient materials, let the concerned Court decide who is the aggressor and who is the victim.

7. With the above said direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is colsed.

05.01.2024

Index : Yes/No

Internet: Yes/No

jbr

To

1. The Inspector of Police,
represented by the State
Maniyachi Police Station,
Thoothukudi District.

2. The Government Advocate (Crl.Side),
Madurai Bench of Madras High Court,
Madurai.

<https://www.mhc.tn.gov.in/judis>



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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

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