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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-03-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP NO. 3072 of 2025

AND

CRL MP NO. 2016 OF 2025

1.KRISHNAN
2.Dhananchezian
3.Muralidharan
4.Venkatraman

Petitioner(s)

Vs

1.The State Rep By, Inspector Of Police
Kallakurichi Police Station, Kallakurichi District
(crime No. 363 Of 2024)
2.Venkatesan

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS,
to call for the records pertaining to the FIR in Crime no.363 of 2024 on the
file of the first respondent and quash the same.



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For Petitioner(s):

B.Gopalakrishnan

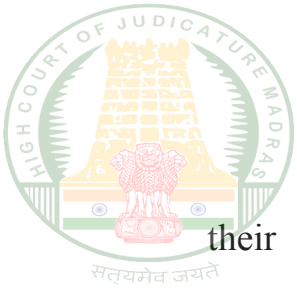
For Respondent(s):

R.Vinothraja, Government Advocate (Criminal Side) for R1

ORDER

This petition has been filed seeking to call for the records pertaining to the FIR in Crime no.363 of 2024 on the file of the first respondent and quash the same.

2.The case of the prosecution is that the defacto complainant namely, Mr. Venkatesan Son of Subramanian, residing at Thensiruvallur Village, Chinna Salem Taluk, Kallakurichi District, lodged a complaint dated 30.05.2024 to the 1st respondent police alleging that on 30.05.2024 at about 5.00 p.m. the defacto complainant appeared before the District Revenue Officer, Kallakuruchi District on behalf of his client Velmurugan, resident of Sirumangalam Village and submitted the documents and explanation. Thereafter, he came out from the office, at that time, the petitioners had taken vengeance against him for the reason that he appeared on behalf of



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their opposite party namely Velmurugan. All the petitioners joined together and abused and threatened the defacto complainant when he was standing nearby the Gangaianman Temple opposite to the District Collector Office. The defacto complainant attempted to take video of same but the 1st petitioner snatched his mobile phone and also pulled his shirt collar and pushed him down, the other persons threatened him and also gave life threat to him. Further the petitioners abused his advocate profession. During that time the defacto complainant's colleagues namely Mr. Tharun Balaji, Mr. Suriya Kumar rescued him from the petitioners. The defacto complainant did not sustain any injury and he didn't go to the hospital. Based on the above said allegation he lodged a complaint and FIR in Crime No.363/2024 dated 30.05.2024 registered by the 1st respondent police under sections 294(b), 352, 506(2) of I.P.C.

3.It is seen that the petitioners are arrayed as A1 to A4. The second respondent is none other than the Advocate, who is appearing for his clients in a civil case pending between the petitioners herein and the second respondent's clients namely, one Velmurugan and Chinnadurai.



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4. While that be so, the clients of the second respondent approached the Revenue Authority for sub division in respect of the subject property and it was held in favour of the clients of the second respondent. Aggrieved by the same, they have filed an Appeal and it was ended in favour of the petitioners thereby the sub division was cancelled. Aggrieved by the same, once again the second respondent's clients preferred an Appeal before the District Revenue Officer. On receipt of the said Appeal, the District Revenue Officer issued notice for enquiry in the Appeal.

5. On 30.05.2024, the petitioners had appeared for enquiry before the Appellate Authority namely the District Revenue Officer. After the enquiry, when the petitioners were returning to their home, as if the said alleged occurrence had taken place, such false allegations as against the petitioners were made. The said occurrence had never happened and only because, the second respondent is an Advocate, he has lodged a false complaint and the same has been registered. In fact, after receipt of notice, the name of the second respondent was also printed in the cause list but no one appeared on behalf of the second respondent either in person or through an Advocate. Therefore, the impugned FIR cannot be sustained as against the petitioners



and it is liable to be quashed.

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6. Accordingly, the FIR in Crime no.363 of 2024 on the file of the first respondent is hereby quashed. Consequently, connected miscellaneous petition is closed.

20-03-2025

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To
1. The State Rep By, Inspector Of Police
Kallakurichi Police Station,
Kallakurichi District
(crime No. 363 Of 2024)

2.The Public Prosecutor,
High Court, Madras.



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G.K. ILANTHIRAIYAN.J.,
dn

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