



Crl.O.P.No.30942 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.30942 of 2024
and Crl.M.P.No.17633 of 2024

1.Asaithambi
2.A.Manikandan
3.A.Dinakaran

... Petitioners

Vs.

1.The State Represented by
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
Crime No.78 of 2024

2.S.Govindhan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
and 528 of BNSS Act, pleaded to call for the entire records comprised in
FIR in Crime No.78 of 2024 dated 08.02.2024 pending on the file of 1st
respondent, the Inspector of Police, Sankarapuram Police Station,
Kallakurichi and quash the same.



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For Petitioners : Mr.M.Vimal Bobby Crimson

For Respondent 1 : Mr.S.Sugendran,
Additional Public Prosecutor

For Respondent 2 : Not Ready in Notice

ORDER

This Criminal Original Petition has been filed to call for the entire records comprised in FIR in Crime No.78 of 2024 dated 08.02.2024 pending on the file of 1st respondent Police and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent and perused the materials available on record. Though ordered notice to the second respondent, the same has not yet been served on to him.

3. Learned counsel for the petitioners submitted that the first petitioner's father is the original owner of the subject property and he



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had the absolute possession and enjoyment of the property and he had also obtained patta pass book for the same. Based on the order passed by the Registrar, (Registration Department) the private respondent has filed a case and subsequently order of the Registrar has also been set aside by the competent appellate authority. The dispute between the parties is civil in nature, but the unsuccessful second respondent has filed a false complaint as against the petitioners. There is no offence made out as against the petitioners. Hence, he prays to quash the F.I.R.

4. F.I.R is not an encyclopaedia and it sets the law in motion. Whether allegations levelled as against the petitioners are true or not that will reveal only after completion of investigation. During investigation, if the Investigating Officer finds that the allegations made against the petitioners are false, they will file a negative report. Further, it is found that there are prima facie allegations available as against the petitioners and they were shown as named accused. This Court does not find any reason to quash the F.I.R.



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5. In view of the same, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed. However, the first respondent is directed to conduct investigation after issuing notice to both the parties and file a charge sheet within a period of three months.

21.01.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.

2. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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