



Crl.OP.No.20942 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.20942 of 2023

and

Crl.MP.No.14366 of 2023

Azhagu @ Rajendran

... Petitioner

Vs.

1. The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
Cr.No.389 of 2021.

2. Kennady

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the First Information Report in Cr.No.389 of 2021 on the file of the first respondent and quash the same.

For Petitioners : Mr.V.Elangovan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

ORDER



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This petition has been filed to quash the FIR registered in Cr.No.389 of 2021 on the file of the respondent police .

2. The case of the prosecution is that the defacto complainant/Kennady, who is working as a Village Assistant at Selavadai Group Village, Omalur Taluk, Salem District lodged a complaint dated 04.12.2021 to the respondent police alleging that on 03.12.2021, he got instructions from the Village Administrative Officer that some persons have taken sand from the Amman Koil Odai with the help of JCB Vehicle in a tipper lorry. Based on the instructions, the defacto complainant went to the said occurrence spot and restrained the accused person from taking the sand. During that time, the petitioner had attacked him and threatened with dire consequence.

3. On the complaint lodged by the second respondent, the first respondent has registered an FIR against the petitioner in Cr.No.389 of 2021 for the offences punishable under Sections 341, 353, 323, 379



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and 511 of IPC.
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4. A perusal of records revealed that the petitioner owned a JCB Vehicle and Tipper Lorry and rented out the same to the Contractors who got the work order to execute the panchayat road work and other construction works. While work is on the process, the second respondent used to demand bribe from the petitioner. Since the petitioner refused to give any bribe, a false complaint has been foisted as against the petitioner.

5. It is also revealed that one Saravanan was the successful bidder to execute the check Dam work at Chilnasoragai Limit, Malli Kuttai Lake, Omalur Taluk, Salem District. The said Saravanan has hired the vehicles from the petitioner. The said Saravanan during the course of execute of tender work, he has excavated lake sand for erection of pillar and the lake sand will be unloaded in nearby place as allotted by the Counsellor of Panchayat Union. Further, the excavation of sand is part and parcel of the tender work.

6. In view of the above, there is absolutely no offence made out as against the petitioner and hence, this Court is inclined to



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quash the FIR. Accordingly, the FIR registered in Crime No.389 of 2021 on the file of the first respondent police is hereby quashed and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

08.042025

Vv

To

1. The Inspector of Police,
Jalakandapuram Police Station,
Salem District.
2. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.



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Vv

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