

CrI.O.P.(MD) No.5955 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.04.2024

CORAM

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

CRL.O.P (MD) No.5955 of 2024

and

CRL.M.P (MD) No.4467 of 2024

1. Kanthavel,
2. Rajaguru,
3. Sankar,
4. Pushparaj,
5. Selvaraj,

... Petitioners

Vs

The State represented by  
1. The Inspector of Police,  
Karivalamvanthanallur Police Station,  
Tenkasi District.  
Crime No.77 of 2024.

2. Chellaiah,

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the Crime No.77 of 2024 on the file of the first respondent Police and Quash the same.



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CrI.O.P.(MD) No.5955 of 2024

For Petitioners : Mr.R.J.Karthick  
For R1 : Mr.P.Kottai Chamy  
Government Advocate (CrI. side)  
For R2 : Mr.R.Alagumani

## **ORDER**

This criminal original petition has been filed seeking to quash the FIR in Crime No.77 of 2024, pending on the file of the first respondent Police.

2.The learned Counsel appearing for the petitioners submitted that there is a civil dispute between the parties, for which, the respondent police has registered a criminal case as against the petitioners. By relying on the order passed by this Court in CrI.O.P(MD)No.2951 of 2024, dated 26.02.2024, he submitted that this Court, considering the civil dispute pending between the parties, directed the defacto complainant herein to cooperate with the appellate Court regarding enquiry.

3.The learned Government Advocate (CrI.Side) appearing for the respondent police submits that though there is a civil dispute between the petitioner and the defacto complainant, the nature of the present complaint



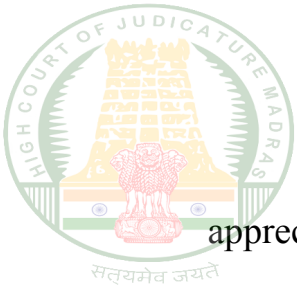
**CrI.O.P.(MD) No.5955 of 2024**

is that the petitioner has illegally harvested the crops, which were planted and raised by the defacto complainant.

4.The learned Counsel appearing for the defacto complainant submitted that the crops have been raised only in the land, which belongs to the defacto complainant and that the petitioners are not having any right for cultivating the crops. He further submitted that the defacto complainant has also approached this Court and obtained an order for police protection.

5.This Court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by the petitioners can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by the petitioners herein can very well be



**CrI.O.P.(MD) No.5955 of 2024**

appreciated by the investigating officer during the course of investigation.

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7.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

8.Therefore, this petition is disposed of with liberty to the investigating officer to conduct the investigation by considering the points raised in this application and also by considering the materials placed by the defacto complainant, during the course of investigation. The respondent police shall verify the materials, if any placed by the accused and conclude the investigation as expeditiously as possible either by filing final report or with a closure report. Consequently, the connected miscellaneous petition is closed.

**24.04.2024**

NCC : Yes/No  
Internet: Yes/No  
Index: Yes/No  
LR

4/6



**CrI.O.P.(MD) No.5955 of 2024**

WEB COPY **To**

1. The Inspector of Police,  
Karivalamvanthanallur Police Station,  
Tenkasi District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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Crl.O.P.(MD) No.5955 of 2024

**B.PUGALENDHI, J.**

LR

CRL.O.P (MD) No.5955 of 2024

24.04.2024