

Thangapandi Vs The Revenue Divisional Officer

Court: Madras High Court (Madurai Bench)

Date of Decision: Nov. 19, 2014

Hon'ble Judges: S. Vaidyanathan, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

S. Vaidyanathan, J.

1. The petitioners have come forward with this petition to quash the FIR registered by the second respondent.

2. The case of the Petitioner is that the Petitioners family is in a place on lease for doing cultivation and the first Petitioner has lodged a complaint

against the Panchayat President and others who trespassed into the land and threatened the life of the Petitioners father, mother and the Second

Petitioner. The learned counsel further submitted that there is a suit in this regard in O.S.No. 232 of 2012 is pending and the Police inspite of

taking steps on the complaint of the Petitioners, has registered a case against the Petitioners and others. Now the Petitioners have come forward

challenging the case registered against them in Cr.No. 165 of 2014, on the file of the second respondent/Police.

3. The Supreme Court has time and again has held that the power to quash the criminal proceedings should be exercised sparingly in the

circumstances in the rarest of rare cases. The Honourable Supreme Court in State of Haryana and others Vs. Ch. Bhajan Lal and another Shri

S.A. Khan, , has held as follows:

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their

entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence,

justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section

155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the

commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is

permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever

reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is

instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act,

providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive

for wreaking vengeance on the accused and with a view to spite him due to private and personal It is made clear that presence of the petitioners

except the first petitioner/husband before the lower Court, is dispensed with. However, as and when the lower Court requires their presence, they

shall appear before the Court for effective hearing grudge.

4. In view of the above facts, the Petitioners have approached this Court with an apprehension that First Information has been registered against

them and at this stage, this Court cannot interfere with the quashing of the First Information Report. Hence I find no reasons to interfere with the

same and to grant the relief as sought for.

5. In view of the above, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is dismissed.