

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 24-8-2015

Pronounced on : 28-8-2015

CORAM:

THE HON'BLE MR. JUSTICE P.N.PRAKASH

Criminal Original Petition No.4880 of 2014
M.P.No.1 of 2014

1. C.V.Ganesh

2. R.R.Aroon Kumar .. Petitioners
Vs.

1. State, rep.by Inspector of Police,
D-2, Anna Salai Police Station,
Chennai. (Crime No.1076 of 2013)

2. Udayakumar, Manager,
M/s.Artemis Auto India (P) Ltd.,
Express Avenue,
Chennai - 600 014. ... Respondents

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure with a prayer to call for the records and quash the FIR registered by the first respondent Police and pending investigation in Crime No.1076 of 2013.

For Petitioner : M/s.Arulselvam Associates

For 1st Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

For 2nd Respondent : Mr.S.Selvanandam

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O R D E R

This Criminal Original Petition is filed with a prayer to quash the FIR registered by the first respondent Police in Cr.No.1076 of 2013.

2. For the sake of convenience, the parties will be referred to as 'the defacto complainant' and 'the accused'.

3. The accused are senior Officials of M/s.Express Infrastructure Private Limited, which owns the Express Avenue, Chennai, which is a huge shopping mall. The defacto complainant is the manager of M/s.Artemis Auto India (P) Ltd., which has a Volvo Car showroom in Express Avenue, Chennai.

4. On 25.4.2013 a water pipeline that runs over the roof of the Volvo Car showroom started leaking and it appears to have caused damage to the showroom. According to the accused, the leakage was on account of the negligence of the staff of the showroom, which of course is denied by the defacto complainant. The case of the defacto complainant is that when he questioned about this, the accused started using abusive and threatening words, and therefore the defacto complainant lodged a complaint with the first respondent Police, who registered a case on 11.10.2013 under sections 294(b), 506(i) IPC, against the accused, challenging which the accused are before this Court.

5. The respondent Police have filed a counter affidavit justifying the registration of FIR, supported vehemently by Mr.Selvanandam, learned counsel appearing for the defacto complainant, who also submitted that the FIR discloses commission of cognisable offence and therefore it should not be quashed.

6. This Court carefully read the complaint dated 25.4.2013, which formed the basis for registration of the FIR. According to the defacto complainant, water was leaking from the pipe, which had caused damage to the showroom to the tune of Rs.1 crore, and that, when the defacto complainant humbly requested the accused to rectify that, the accused menacingly threatened him that they will liquidate him and also abused him in foul language.

7. A complete reading of the FIR clearly shows that a petty dispute has been blown out of proportion with great exaggeration and embellishments. According to the accused, the defacto complainant managed to have the FIR registered for the purpose of claiming insurance, which of course is denied by the defacto complainant.

8. Be that as it may, on a reading of the averments in the complaint, it is obvious that the defacto complainant has made imaginary and bellicose allegations in league with the police, and therefore the FIR deserves to be quashed.

9. In the result, this Criminal Original Petition is allowed and the FIR in Crime No.1076 of 2013 is hereby quashed. Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

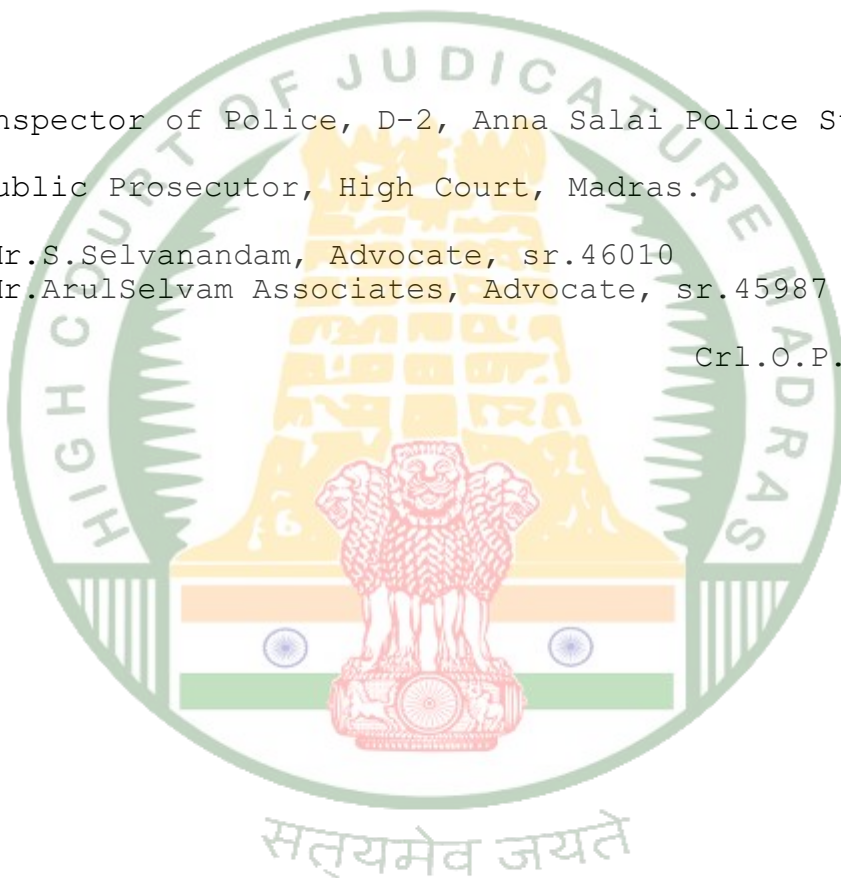
1. The Inspector of Police, D-2, Anna Salai Police Station, Chennai.
2. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.S.Selvanandam, Advocate, sr.46010

+1 cc to Mr.ArulSelvam Associates, Advocate, sr.45987 (10/9/15)

Crl.O.P.No.4880 of 2014

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