IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.28825 of 2015

& M.P.No.1 of 2015

Thiruarachelvam

... Petitioner/A1

Vs

1. The Inspector of Police,
   Town Police Station,
   Villupuram,
   Villupuram District.

2. G.Sairam ..1st Respondent/ Complainant

..2nd Respondent/ Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for records and quash the FIR in Crime No.314 of 2015 on the file of the 1st respondent.

For Petitioner : Mr.R.Rajarajan

For respondents: Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to call for records and quash the FIR in Crime No.314 of 2015 on the file of the 1st respondent.

2. The complaint has been lodged against this petitioner for the offence under sections 448 and 380 IPC. The FIR has been registered based on the complaint lodged by one Sairam. In the FIR, it has been stated that the defacto complaint is having iron and PVC pipe shop at Villupuram. The allegation of the defacto complainant is that on 21.10.2015, the petitioner removed the lock put by the 2nd respondent/ defacto complainant and put his own lock. Regarding the same, the 2nd respondent has given a complaint with the 1st respondent and the same was assigned CSR No.249/2015 and enquiry is pending on the said complaint. While that being so, it is averred in the FIR registered in Crime No.314/2015, the petitioner and his associates on 27.10.2015 has stealthily opened the lock and stolen the things stored in the shop. The same was informed to the 2nd respondent by one Palani. In the FIR, it has also been stated that the petitioner has also stolen

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the name board in the shop. The things in the shop is worth Rs.3 lakhs and the 2nd respondent apprehends that all the articles and things would have been stolen by the petitioner. Hence, a complaint was lodged by the 2nd respondent.

3. Learned counsel for the petitioner submitted that already a civil dispute is pending before the civil court between the petitioner and the 2nd respondent. The matter is purely civil in nature. Now, on the false allegation, this complaint has been lodged.

4. Heard the learned Additional Public Prosecutor appearing for the first respondent.

5. The case is in FIR stage and the investigation is still in progress and this Court is of the opinion that the scope for quashing the FIR is very narrow. The petitioner has come before this Court at the premature stage. Hence, this Court is not inclined to entertain this petition. Therefore, the criminal original petition is dismissed. However, the petitioner is at liberty to approach this Court after the filing of the final report. Consequently, M.P.No.1 of 2015 is closed.

vsi

Sd/-
Assistant Registrar (CS-V)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
   Town Police Station,
   Villupuram,
   Villupuram District.

2. The Public Prosecutor,
   High Court, Madras.

+1 C.C. To MR.R.Rajarajan, Advocate in SR.NO.65345

Crl.O.P.No.28825 of 2015
& M.P.No.1 of 2015

SV(CO)
sd : 15/12/2015

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