

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.9673 of 2015 and
M.P.No.1 of 2015

P.Prabakaran

.. Petitioner

Vs

1.State by
Inspector of Police,
Saravanampatti Police Station,
Coimbatore.

2.B.Mahalakshmi

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the F.I.R., in Crime No.168 of 2014 pending investigation on the file of the first respondent police, quash the same by allowing this Criminal Original Petition.

For Petitioner :Mr.S.Vinothkumar

For R.1 :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2.It is seen that based on a direction issued by this Court in Crl.O.P.No.3821 of 2014, the respondent police registered a case against the petitioner herein for offence under Sections 448 & 506(ii) I.P.C. Challenging the registration of F.I.R., the petitioner/accused is before this Court with this petition seeking to quash the same.

3.According to the learned counsel for the petitioner, the property in question belongs to the petitioner and that he has also obtained an order of injunction before the Civil Court in I.A.No.2680 of 2013 in O.S.No.2883 of 2013 on 11.10.2013. The learned counsel has also fairly submitted that the said interim

injunction was vacated not on the ground that the petitioner herein is not the owner of the property but, on the ground that he had suppressed the earlier litigation before the trial Court. The learned counsel produced volume of materials before this Court to say that the petitioner is the absolute owner of the property in question and therefore, he cannot be accused for trespassing into his own property.

4. In view of all the above, this Court is not inclined to quash the entire proceedings in Crime No.168 of 2014 pending investigation on the file of the first respondent police, and instead, this Court is directing the petitioner to produce all the records to the Investigating Officer and if the Investigating Officer is satisfied that the petitioner is the absolute owner of the property, then, closure report will be filed accordingly.

5. With the above liberty to the petitioner, the Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm
To

1. The Inspector of Police,
Saravanampatti Police Station,
Coimbatore.

2. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.S.Vinothkumar ,Advocate, SR.No.21212

Cr1.OP No.9673 of 2015

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pmk..7.5.2015