

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.9674 of 2015 and
M.P.No.1 of 2015

1.P.M.S.Abdul Latiff
2.Hameeda

.. Petitioners

Vs

1.The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai - 600 001.

2.Khalid Ali.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.160 of 2015 pending on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai in Crime No.128/2014 dated 13.02.2014 on the file of the respondent police and quash the same.

For Petitioners

:Mr.S.Namo Narayanan

For R.1

:Mr.C.Emalias,

Additional Public Prosecutor

ORDER

Seeking to quash the case in C.C.No.160 of 2015 pending on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai in Crime No.128/2014 dated 13.02.2014 on the file of the respondent police, the petitioners have come up with this petition.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent extensively.

3.The learned counsel for the petitioners submits that the petitioners are innocent and this case has been foisted against them falsely. The learned counsel further submits that there is a civil litigation pending between the petitioners and the defacto complainant.

4.On going through the final report filed in this case, it is alleged by the respondent police that on 11.02.2014, the petitioners herein attempted to take forcible possession of the property of the defacto complainant and at that time, the

petitioners seems to have abused the defacto complainant.

5.In view of the above statement and the other records available on record would go to show that there is a prima facie case against the petitioners. In State of Haryana V. Bhajan lal reported in 1992 Supp (1) SCC 335, the Hon'ble Supreme Court has held that the inherent power of this Court under Section 482 Cr.P.C., should be exercised very sparingly and cautiously. As it is found in Section 482 Cr.P.C., the said power could be exercised only in three circumstances, namely, to give effect to any order this Code, or to prevent abuse of the process of any court or otherwise to secure the ends of justice. In this case, there are no such circumstances warranting interference of this Court so as to quash the case in C.C.No.160 of 2015 pending on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai.

6.In the result, the Criminal Original Petition fails and accordingly, the same is dismissed however, with liberty to the petitioners to work out their remedies in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm
To

1.The XVI Metropolitan Magistrate,
George Town, Chennai.

2.-do- Thro The Chief Metropolitan Magistrate, Egmore, Chennai.

3.The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai - 600 001.

4.The Public Prosecutor,
High Court, Madras.

1 cc to Mr. S.Namo Narayanan, Advocate, SR.No.21295

Cr1.OP No.9674 of 2015

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pmk.28.4.2015