

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.OP.No.10384 of 2011

and MP.No.1 of 2011

Baba Ramesh .. Petitioner / Accused No.4

Vs

State Represented by
The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.
Cr.No.518 of 2010 .. Respondent / Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records in connection with Crime No.518 of 2010 pending on the file of the respondent herein and quash the same in respect of the petitioner.

For Petitioner : Mr.N.Damodaran

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been praying to quash the FIR in Crime No.518 of 2010 on the file of the respondent police.

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

3. On the complaint lodged by one K.Shanmugasundaram, who is an auditor and well qualified person, the respondent police registered a case in Crime No.518/2010 on 08.06.2010 for the offences under Sections 147, 148, 447 and 506(ii) IPC against one Subbaiyan (A1), Nithyanandam (A2), Thiyagu @ Thiyagarajan (A3), Baba Ramesh (A4) and others, challenging which, Baba Ramesh is before this Court.

4. On a reading of the FIR, it is the admitted case of the de-facto complainant that he entered into a sale agreement with Subbaiyan (A1) as early as 15.03.2000, but no sale deed has been executed in his favour by Subbaiyan. While so, it is alleged by the de-facto complainant that 10 years later, i.e., on 07.06.2010,

Subbaiyan (A1) came with other accused namely Nithyanandam (A2), Thiyaagu @ Thiyaagarajan (A3), Baba Ramesh (A4), who are none other than A1's close relatives and they have threatened his sister Rukmani and his wife Parimala and put up a hut in the property, when the de-facto complainant was not in the village. It is further averred in the FIR that when the de-facto complaint came on 08.06.2010, he saw the accused with dangerous weapons in the hut.

5. According to the de facto complainant, he entered into an agreement on 15.03.2000 and had not taken any steps for having the sale deed executed in his favour for 10 years, which sounds highly improbable. That apart, on 08.06.2010, when he came, he only saw the accused in the hut with weapons. It is not even stated that the accused in any manner intimidated the de facto complainant on 08.06.2010. In anticipation of intimidation, he has given the complaint to the police. Since the de facto complainant is not before this Court, this Court is not inclined to pass any orders prejudicial to him.

6. However, the Inspector of Police is directed to complete the investigation in Crime No.510/2010 within 6 months from the date of receipt of a copy of this order and either file the closure report or take action in accordance with law.

With the above observations, this petition is closed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To:

1.The Inspector of Police,
Kinathukadavu Police Station,
Coimbatore District.

2.The Public Prosecutor
High Court, Madras.

+1 CC Mr.N.Damodaran Advocate SR.No.61789

Cr1.OP.No.10384 of 2011

CP [CO]

MSI 29/12/2016

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