

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.1083 of 2011

and

MP.No.1 of 2011

Subbaiyan

...Petitioner

Vs.

1. The State

Rep. by its Inspector of Police,
Kinathukadavu Police Station
Coimbatore District.

2. K.Shanmugasundaram

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records and quash the complaint in Crime No.518/2010 pending on the file of 1st respondent police.

For Petitioner : Mr.S.Shankar

For RL : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to call for the records and quash the complaint in Crime No.518/2010 pending on the file of the 1st respondent police.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. On the complaint lodged by one K.Shanmugasundaram, who is an auditor and a well qualified person, the first respondent police registered a case in Crime No.518/2010 on 08.06.2010 under Sections 147, 148, 447 and 506(ii) IPC against Subbaiyan and others challenging which, Subbaiyan is before this Court.

4. On a reading of the FIR, it is an admitted case of the de-facto complainant that he entered into sale agreement with Subbaiyan 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 came with other accused and 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
Kinathukadavu Police Station
Coimbatore District.
2.The Public Prosecutor
High Court Madras

Cr1.O.P.No.1083 of 2011

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