

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.12380 of 2011

and

MP.No.1 of 2011

R.Dhandapani

...Petitioner

Vs.

1. State rep. by
Inspector of Police
Sivagiri Police Station
Erode District.

2. Somasundaram

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records relating to F.I.R in Crime No.81/2011 on the file of the first respondent and quash the same.

For Petitioner :Mr.C.S.Saravanan

For R1 :Mr.C.Emalias
Additional Public Prosecutor

For R2 :Notice sent service awaited

O R D E R

This criminal original petition has been filed to call for the records relating to F.I.R in Crime No.81/2011 on the file of the first respondent and quash the same.

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 Somasundaram, the first respondent police registered a case in Crime No. 81 of 2011 on 29.04.2011 for offences under Section 447, 506(i) and 379 IPC against one Dhandapani and two others, challenging which, Dhandapani is before this Court.

4. On a reading of the complaint, it is seen that it is alleged by Somasundaram that he is the owner of the property measuring 78 1/2 cents and he obtained a decree in OS.No.78 of 2005 from the First Additional Special Court, Erode on 28.10.2005 and thereafter, on 04.03.2011 and 07.03.2011, Dhandapani and his men trespassed into the property and they also took away 1200 coconuts and turmeric worth Rs.1,50,000/-, illegally.

5. Learned Additional Public Prosecutor submitted that the investigation has been completed and final report and charge sheet are ready.

6. Since the FIR discloses the commission of cognizable offence, the same cannot be quashed in the light of the law laid down by the Supreme Court in State of Haryana Vs Bhajan Lal [(1992) Supp [1] SCC 335]. However, the first respondent police is directed to file the Charge Sheet before the Jurisdictional Court, Erode within four weeks from the date of receipt of a copy of this order.

With the above direction, this petition is dismissed. Consequently, connected miscellaneous petition is closed. The Registry is directed to send back the original records, if any, to the concerned Court, if any received.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Sivagiri Police Station
Erode District.
2. The Public Prosecutor,
High Court, Madras.

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sk[co]
srg 25/11/2016