

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. No. 28892 of 2011

&

M.P. No.1 of 2011

Mohammed Yousuf

...Petitioner/Accused

vs.

State represented by
the Inspector of Police
F3 Nungambakkam Police Station
Chennai District
Cr. No.1862 of 2011

...Respondent/Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, seeking to call for the records in Cr. No.1862 of 2011 on the file of the first respondent, F3, Nungambakkam Police Station and quash the same.

For petitioner : Mr. N. Praveen Kumar

For respondent : Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records in Cr. No.1862 of 2011 on the file of the first respondent, F3, Nungambakkam Police Station and quash the same.

2 Mr. T. Sundaramoorthy, Inspector of Police, is present.

3 On the complaint lodged by one Aboo Backer, the respondent police registered a case in Crime No.1862 of 2011 on 25.08.2011 under Section 468, IPC against Mohammed Yousuf, Kalpana and Vasudevan, challenging which, Mohammed Yousuf is before this Court.

4 It is the case of the de facto complainant that in the year 2000, he had taken on rent the premises in Door No.54, Kodambakkam High Road, Nungambakkam, Chennai 34 from Mohammed Yousuf (A1) and was running "Kovalam - the restaurant" and that the landlord and Kalpana had connived to create bogus eviction orders, based on which, a gang of rowdy elements had attempted to take forcible possession of the property on 28.06.2011. Hence, the FIR.

5 It is the contention of Mohammed Yousuf (A1) that the de facto complainant had voluntarily vacated the premises and had put Kalpana as a sub tenant. In this regard, there are civil cases pending in O.S. No.7955 of 2006 and 4832 of 2011, suppressing which, the de facto complainant had lodged the present complaint.

6 The allegations in the complaint do require a thorough investigation, inasmuch as, it is alleged that the petitioner obtained eviction orders by illegal means by setting up Kalpana. Even yesterday, this Court came across a case, where, even without the knowledge of the landlord, a person had filed eviction proceedings against a non-existent tenant and after obtaining ex parte orders of eviction, dispossessed the original tenant illegally. This has been rampant in the State. Therefore, the FIR cannot be quashed at the threshold.

In the result, this Criminal Original Petition is dismissed with a direction to the respondent police to conduct a thorough investigation and during investigation, if it is found that the allegations of the de facto complainant are baseless, it is needless to state that further action against the accused be dropped. Connected M.P. is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

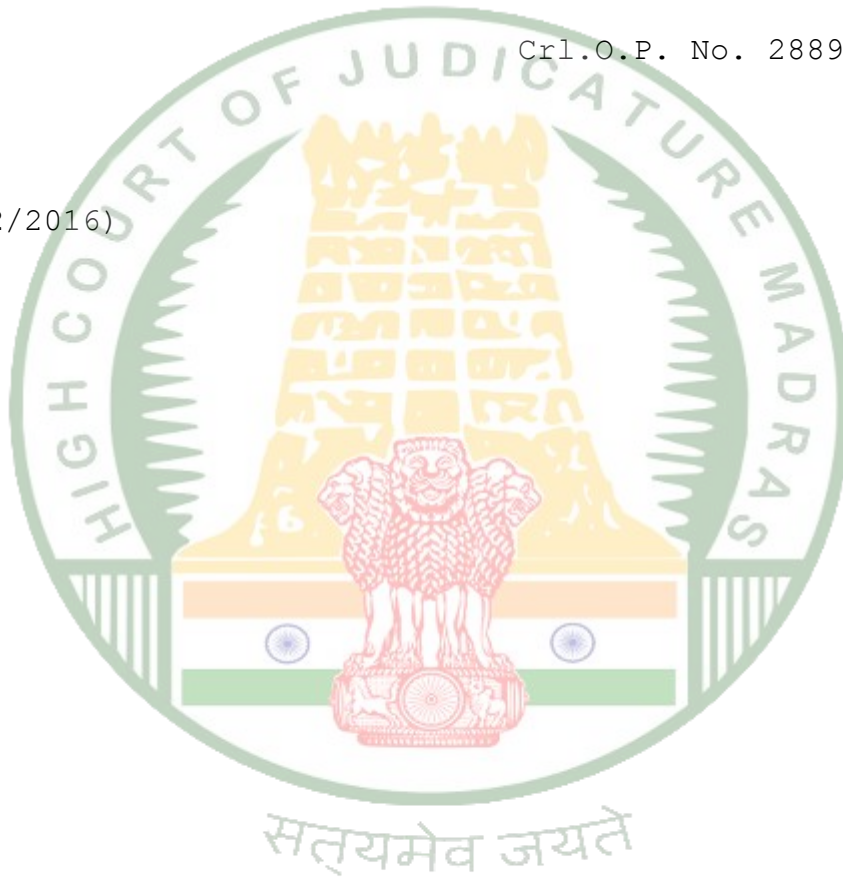
cad

To

- 1 The Inspector of Police
F3 Nungambakkam Police Station
Chennai District
- 2 The Public Prosecutor
High Court of Madras
Chennai 600 104

Cr1.O.P. No. 28892 of 2011

GJ II (CO)
PSI (28/12/2016)



WEB COPY