

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.29067 of 2015

and

MP.No.1 of 2015 in Cr1.OP.No.29067 of 2015

1.N.P.Kandasamy

2.T.R.Palanivel

... Petitioners/Accused 1 & 2

Vs

1. The State Rep. by
Inspector of Police,
Annadanapatty Police Station,
Annadanapatty,
Salem District. Ist Respondent/Complainant

2. Dr.R.Asaithambi 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C., praying to call for the entire records, FIR in Crime
No.535 of 2015 pending on the file of the 1st respondent and
quash the same.

For Petitioner : Mr.B.Jawahar

For Respondent [R1] : Mr.C.Emalias,
Additional Public Prosecutor

For Respondent [R2] : Dr.R.Asaithambi
Party-in-Person

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O R D E R

This Criminal Original Petition has been filed to quash
the FIR in Crime No.535 of 2015, pending on the file of the
first respondent.

2. It appears that there are lot of disputes between
Dr.Asaithambi and one Kandasamy and Palanivel in respect of a
Sago Manufacturing unit. While so, Dr.Asaithambi, has
alleged a complaint dated 18.10.2015 alleging that on
11.10.2015 at around 07.09 a.m., Kandasamy contacted him from
his mobile (Kandasamy's Mobile No.9976154426) and threatened

him. On the said complaint, the respondent Police have registered a case in Crime No.535 of 2015 for the offence under Section 506(ii) IPC and investigation is pending. Challenging the FIR, Kandasamy and Palanivel are before this Court.

3. Heard Mr.Jawahar, learned counsel for the petitioners/accused and Dr.R.Asaithambi, Party-in-Person.

4. The Inspector of Police, Annadanapatty Police Station, Salem, has filed a status report wherein he has stated as follows :

"7. It is submitted that after assuming charge as Inspector of Police in Annadanapatti Police Station, I took up the case for further investigation and I re-examined the defacto complainant the, he corroborated the same version made in the complaint and also given to the earlier investigation officer. The defacto complainant without giving any proper documentary evidence i.e., CD [voice proof], he orally alleging that A-1 & A-2 threatened him over phone. Hence I informed him to produce documentary evidence for the same in order to proceed further investigation of this case.

8. It is submitted that so far the investigation reveals that there is "Sago Factory" located in Devattipatti Village, which was leased out to A-1 & A-2 for a period from 01.10.1994 to 30.09.2001 by the defacto complainant for a sum of Rs.2,10,000/-. During the said lease period A-1 & A-2 constructed a water tank with the knowledge of defacto complainant to the tune of Rs.13 lakhs. All the above said transactions were made through proper documents. After completion of 21 years the defacto complainant has to repay a sum of Rs.15,10,000/-. After completion of the lease period, the defacto complainant without settling the above said amount of Rs.15,10,000/- to the accused persons, taken over the property, as such the accused persons taken the electric motors, oil engines, compressors and all other machineries located in the Sago factory belongs to defacto complainant, through their henchmen. Hence, the defacto complainant preferred a complaint against A-1 & A-2 in

Devattipatti Police Station and they have given CSR and the same was under pending enquiry."

5. In view of the above, the respondent Police is directed to proceed and complete the investigation in Crime No.535 of 2015, within three months from the date of receipt of a copy of this order or either close the case, if there are no materials; or take action in accordance with law.

6. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ds

To

1. The Inspector of Police,
Annadanapatty Police Station,
Annadanapatty, Salem District.
2. The Public Prosecutor,
High Court, Madras.

Cr1.OP.No.29067 of 2015

PVS (CO)
CA(25/07/2016)

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