

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.15812 of 2010
and M.P.No.1 of 2010

Naraayanan

...Petitioner

vs.

1. Sub Inspector of Police,
Mettupalayam Police Station
Pondicherry

2. V.Mohan

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in FIR No.10 of 2010 on the file of the 1st Respondent namely Sub Inspector of Police, Mettupalayam Police Station, Pondicherry and quash.

For Petitioner : Mr.Krishna Ravindran

For R1 : Mr.M.R.Thangavelu,
APP (Pondicherry)

For R2 : Mr.D.Ravichandar

O R D E R

This petition has been filed to call for the records in FIR No.10 of 2010 on the file of the 1st Respondent namely Sub Inspector of Police, Mettupalayam Police Station, Pondicherry and quash the same.

2. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor (Pondicherry) appearing for the first respondent and the learned counsel appearing for the second respondent.

3. On the complaint lodged by one Mohan-the second respondent, the first respondent Police have registered a case in Crime No.10 of 2010 on 15.01.2010 u/s.448, 427, 506(II) IPC r/w Sec.34 IPC, Challenging which Narayanan is before this court.

4. On a reading of this complaint, it is seen that Mohan had alleged that on 15.01.2010, around 5 p.m., he received information from his watchman that one Narayanan and Bala Ganesh are attempting to forcibly take possession of the mill supposedly belonging to him. It is also alleged that they had broken the lock and had tried to gain entry. When people shouted, they ran away. It is further alleged in the complaint that, the said Naraayanan had threatened Mohan over phone. On these allegations the FIR has been registered by the first respondent-Police.

5. The learned counsel appearing for Naraayanan submitted that, the mill belongs to Naraayanan and that Mohan, who is a real estate business agent is trying to usurp the property, which is strongly refuted by the learned counsel appearing for Mohan.

6. This Court cannot go into this disputed question of fact in a petition u/s. 482 Cr.P.C. to quash the FIR.

7. Under such circumstances, this petition is dismissed and the first respondent-Police is directed to dispassionately conduct investigation and if it is found that, the complaint is false it is needless to state that, a closure report shall be filed or otherwise final report can be filed. Consequently Miscellaneous Petition is also closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

dpq

To

1. Sub Inspector of Police,
Mettupalayam Police Station
Pondicherry

2. The Public Prosecutor
Pondicherry.

1 cc to Mr.Krishna Ravindran, Advocate, Sr. 53603

1 cc to Mr.D.Ravichandar, Advocate, Sr. 53835

1 cc to Government Pleader cum Public Prosecutor, Sr. 54147

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