

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM

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

CrI.O.P. No.23224 of 2016
and CrI.M.P.No.10856 of 2016

P.Raghupathi

Petitioner

vs.

State by

1.The Inspector of Police
Chinthadripet Police Station
Chinthadripet
Chennai.

2.S.Ramalingam

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the entire records concerned in Cr.No.678 of 2016 on the file of the Inspector of Police, Chinthadripet Police Station, Chinthadripet, Chennai and quash the same.

For petitioner Ms.L.Karthiga

For R1 Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed to call for the entire records concerned in Cr.No.678 of 2016 on the file of the Inspector of Police, Chinthadripet Police Station, Chinthadripet, Chennai and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by one Ramalingam, the respondent police registered a case in Cr.No.678 of 2016 on 14.09.2016 u/s 457 and 380 IPC against one Raghupathi, challenging which Raghupathi is before this Court.

4. On a reading of the FIR it is alleged that, Ramalingam was a tenant under one Rajeshwari, who had mortgaged the building with M/s Muthialpet Benefit Fund Ltd., and was not able to pay the loan instalment, on account of which the building was brought to sale and one Raghupathi [accused] had purchased the property and is attempting to dispossess Ramalingam.

5. Learned counsel for the petitioner submitted that the entire FIR is false, inasmuch as earlier this Ramalingam has given a complaint against Raghupathi, in which petition enquiry was conducted in CSR No.62 of 2016 and the same was closed.

6. This Court gave its anxious consideration to the rival submissions.

7. On a reading of the complaint given by Ramalingam, it is seen that he has not suppressed this fact and in fact, he has disclosed that petition enquiry was conducted in CSR No.62 of 2016. The allegation of Ramalingam is that Raghupathy had broke open the shop of Ramalingam and had taken away goods worth Rs.1.5 lakhs. Since there are prima facie materials in the FIR, this is not a fit case to quash the prosecution in Cr.No.678 of 2016, in the light of the judgment of the Supreme Court in State of Haryana v. Bhajan Lal [AIR 1992 SC 604].

In the result, this petition is dismissed with liberty to the petitioner to raise all points before the trial Court. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

gms

To

1.The Inspector of Police
Chinthadripet Police Station
Chinthadripet
Chennai.

2.The Public Prosecutor,
High Court, Madras.

CrI.O.P. No.23224 of 2016

RP (CO)
kk 23/11