

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.7177 of 2016  
and  
Crl.M.P.No.No.3763 of 2016

S.Sridhar

.. Petitioner

Vs.

1. State of Tamil Nadu rep.by  
Inspector of Police, (Law & Order)  
E-5, Pattinapakkam Police Station,  
Chennai 600 028.

2. R.Ravichandran

.. Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records relating to FIR.No.119 of 2016 dated 27.01.2016 on the file of the Inspector of Police, E-5, Pattinapakkam Police Station, Chennai-28 and quash the same.

For Petitioner : Mr.T.Dhansekaran

ORDER

The petitioner who is an accused in F.I.R.No.119 of 2016 on the file of the first respondent police has come forward with this petition to quash the proceedings against him for the offences punishable under Sections 147, 448, 427, 341 and 506(i) IPC.

2.Learned counsel for the petitioner submitted that the alleged occurrence said to have taken place on 20.10.2015 and the complaint has been given by the second respondent on 27.01.2016. On that basis, a case has been registered against the petitioner in FIR No.119 of 2016 for the offences punishable under Sections 147, 448, 427, 341 and 506(i) IPC. He would also submit that after obtaining an exparte decree in a suit, a sale deed has been executed in favour of the wife of the second respondent and he filed an petition as if he has taken delivery of possession. But the possession is still with the petitioner. He further submitted that the dispute is only civil in nature. Hence, he prays for quashing the FIR No.119 of 2016 on the file of the first respondent police.

3.Heard the learned Additional Public Prosecutor appearing for the first respondent

4.Admittedly the second respondent has obtained a sale deed in favour of his wife through court of law. After filing of the suit, the alleged occurrence said to have taken place on 20.10.2015. Even though, CSR has been given, no case has been registered. Hence, the second respondent approached this Court by filing Crl.O.P.Nos.27037 and 27038 of 2015, wherein direction has been given to register the case. On that basis only case has been registered on 27.01.2016 for the offences punishable under Sections 147, 448, 427, 341 and 506(i) IPC in FIR No.119 of 2016. In such circumstances, I am of the view that it is too pre-mature to quash the FIR in Crime No.119 of 2016. Hence, this petition deserves to be dismissed.

5.In the result, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.  
kkd

s/d-  
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police, (Law & Order)  
E-5, Pattinapakkam Police Station,  
Chennai 600 028.
2. The Public Prosecutor  
High Court, Chennai.

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