

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2827 of 2017

1. V.Srinivasan

2. V.Naliappan

..Petitioners

Vs

1. The Sub Collector,
Kancheepuram District,
Kancheepuram.

2. The Inspector of Police,
C-4, Somangalam Police Station,
Kancheepuram District.
(Crime No. 704 of 2015)

3. V. Loganathan

4. V.Ravi Naidu

..Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to Call for the entire records in connection with the FIR in Crime NO. 704 of 2015 on the file of the second respondent and also the consequential proceedings initiated by the first respondent under Section 107 Cr.PC against the petitioner based on the above FIR and quash the same.

For Petitioners

: M/s.S.Sai Shankar

For Respondents

For R1 & R2

: Mr.P.Govindarajan,
Additional Public Prosecutor

For R3 & R4

: M/s. S. Vijay Anand
M. Suthan

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ORDER

This Criminal Original Petition has been filed to call for records in connection with FIR in Crime NO. 704 of 2015 on the file of the second respondent and also the consequential proceedings initiated by the first respondent under Section 107 Cr.PC against the petitioner based on the above FIR and quash the same.

2. Heard both sides.

3. The petitioners and the respondents 3 & 4 are rival claimants with regard to the property comprised in Survey No. 18/20 in Puduper Village, Sriperumbudur Taluk, Kancheepuram District. Both the parties have filed civil suits, while the petitioners have filed a suit in O.S. Nos. 90 of 2016 & 91 of 2016, before the District Munsif cum Judicial Magistrate, Sriperumbudur seeking permanent injunction. The respondents 3 & 4 have filed a suit in O.S. No. 516 of 2015, before the learned District Munsif cum Judicial Magistrate, Sriperumbudur, seeking for declaration. Both the suits are pending as on date.

4. In the meantime, the first respondent herein had initiated proceedings under Section 107 Cr.PC, whereby, the summons was issued to the petitioners on 28.01.2016. It is the grievance of the

petitioners that though the summons were issued on 28.01.2016, asking them to appear on 11.02.2016, they were coerced to execute a bond under Sections 106 and 107 Cr.PC for a period of one year. The said bond came to be executed on 11.02.2016. As such the bond has no validity as on date. In view of the fact that the period of one year mentioned therein has come to an end, the prayer in the present criminal original petition for quashing the FIR in Crime No. 704 of 2015 on the file of the second respondent herein and the consequential proceedings under Section 107 Cr.PC deserves consideration.

5. Hence, I am of the view that the bond, having expired on 11.02.2017, the proceedings under Section 107 Cr.PC has also lapsed and since, both the parties have chosen to approach the civil courts, seeking to establish their rights, it would not be appropriate for the first respondent to proceed with the investigation in Crime No. 704 of 2015.

6. In the result, the present criminal original petition stands allowed and the FIR in Crime No. 704 of 2015 is quashed. It is made

M.S.RAMESH.J,

arr/ak

clear that this Court has not expressed any views with regard to title or rights of either the petitioner or the respondents 3 & 4 over the subject property and it is open to the them to approach the same before the Civil Court. Consequently, the Connected Miscellaneous Petition is also closed.

08.09.2017

Index:Yes
ak/arr

To

1. The Sub Collector,
Kancheepuram District,
Kancheepuram.
2. The Inspector of Police,
C-4, Somangalam Police Station,
Kancheepuram District.
(Crime No. 704 of 2015)
3. The Public Prosecutor,
High Court, Madras.

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