



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD)No.13727 of 2017 and

CrI.M.P (MD) .No.9243 of 2017

1.J.Javahar
2.Parameshwary
3.Muthuraman

: Petitioners/Accused No.1 to 3

-Vs-

1.State
rep. by the Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
(Crime No.639 of 2017) :1st Respondent/Complainant

2.Sasikala
Sidco Branch Manager,
Tamilnadu Small Industrial Development Office,
Thondi Road,
Sivagangai. : 2nd Respondent /Defacto
Complainant

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to Crime No.639 of 2017 dated 05.08.2017 on the file of the the Inspector of Police, Sivagangai Town Police Station, Sivagangai and quash the same.

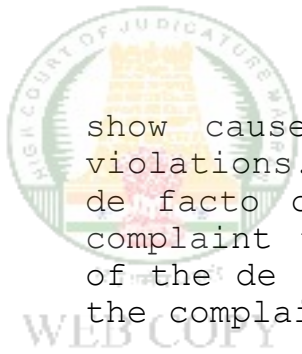
For Petitioner : Mr. S.M. Sanjay
For Respondent No.1 : Mr.K.S. Duraipandian
Additional Government Pleader

ORDER

This petition is filed for quashing the criminal complaint in Crime No.639 of 2017, dated 05.08.2017, which was registered for the offences under Sections 147, 447, 294(b), 353 and 506(i) of IPC on the file of the the Inspector of Police, Sivagangai Town Police Station, Sivagangai.

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

3. The de facto complainant is the Branch Manager of Tamil Nadu Small Scale Industrial Development Corporation, Sivagangai. In the complaint it is stated by the de facto complainant that the de facto complainant has directed the petitioner and others not to sub lease the property, which was allotted to the petitioner and that a



show cause notice was also sent to the petitioner for certain violations. It is in connection with lawful action initiated by the de facto complainant, the de facto complainant has stated in the complaint that the petitioner illegally trespassed into the office of the de facto complainant and committed the offence as alleged in the complaint.

4. The complaint certainly discloses the cognizable offence. Since it is stated in the complaint that the petitioner has committed the offence only pursuant to the show cause notice issued by the de facto complainant, the learned counsel for the petitioner points out that the show cause notice itself was received by the petitioner after the alleged incident on 03.08.2017 and that therefore, the contention of the complaint cannot be true. The learned counsel appearing for the petitioner has not read the complaint fully. The complaint also discloses the action taken by the de facto complainant earlier and the direction to the petitioner not to sub lease the property which was allotted to the petitioner and not to violate the terms of allotment. It is not only on the basis of the show cause notice it is stated in the complaint that the petitioner was provoked. Even otherwise when the complaint discloses cognizable offences, this Court is not justified in quashing the complaint, on the basis of any material or probabilities of commission of offence.

5. In this case the complaint appears to be true as there is no notice for such complaint and that there is no legal ground to quash the proceedings. Hence, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s. S.M.SANJAY Advocate in SR. No. 82586

TRP

JS/GT/SAR.1/30.10.2017/2P-4C

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