

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

Cr1.O.P.No.2778 of 2010 and
M.P.No.1 of 2010

1. Tmt.K.V. Indirani
2. K.Venkatesan ... Petitioners/Accused

Vs.

R. Anbarasan
.... Respondent/Complainant

Prayer:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the private complaint filed by the respondent in C.C.No.15649 of 2009 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai, and quash the same.

For Petitioners : Mr.S.Parthasarathy

For Respondent : No Appearance

O R D E R

The learned counsel for the petitioner is present. None appeared on behalf of the respondent, despite the respondent name is printed in the cause list. The petitioners have filed the Criminal Original Petition seeking to quash the private complaint filed by the respondent/complainant for the offences under Sections 420, 499 and 500 of IPC, which is pending for trial in C.C.No.15649 of 2009 on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the respondent/complainant is that he is working as a Senior Manager in the office of the State Bank of Indore, Hyderabad Branch and both the petitioners and the respondent are residing in the Zen Madhura Apartments. The respondent/complainant submits that he had entered into his own flat during the month of July, 2001. After three months, the petitioners/accused 1&2 had entered into the flats and caused trouble to the neighbours, which caused mental agony to the residents. The respondent/complainant submits that in the year 2008, the 1st petitioner/accused had filed a Civil Suit in

O.S.No.6942 of 2008 before the learned XVII Assistant Judge, City Civil Court, Chennai, seeking to restrain the respondent/complainant from interfering with the petitioners peaceful possession and enjoyment of the whole premises in No.14, Srinivasa Nagar, 1st Street Zen Madhuram Apartments, Koyambedu, Chennai, in which they reside. The petitioners/accused 1&2 illegally had fixed a Sign Board "No Car Parking" inside the premises. Subsequently, the suit was dismissed in favour of the respondent/complainant and thereafter, the respondent had removed the Sign Board and handed over it to the Inspector of Police, K10, Police Station, Koyambedu, Chennai.

3. On 09.08.2009 at about 11.00 a.m. when the respondent and his wife proceeded to K.K. Nagar, Chennai, to meet one of their friends in his Maruti 800 Car TMA-7837, at about 11.30 a.m. the petitioners/accused 1&2 were following in 10 meter distance, had dashed against the respondent's car on the backside. The respondent/complainant got down from the car to inspect the damage at that time. The 1st petitioner/accused used abusive and unparliamentary words against the respondent and his wife in front of his relative, which caused embarrassment, mental agony was put down in front of his wife and relative. Thereafter, the respondent/complainant immediately went to the R-7, K.K.Nagar Police Station, Chennai, to lodge a complaint, but the police advised him to approach the proper criminal forum for justice. Hence, the complaint.

4. On the other side, the petitioners/accused 1&2 would submit that both the petitioners and the respondent are residing at No.14, Srinivasa Nagar, 1st Street, Zen Madhuram Apartments, Koyambedu, Chennai, and now the respondent had been transferred to Hyderabad. The petitioners/accused 1&2 have also vacated the premises during the year 2008 there was a dispute with regard to car parking of vehicle which was blown out of the proportion and the respondent had filed a false complaint only to cause the harassment to the petitioners. He would further contend that even admitting the averments in the petition to be true, then to, no offence as alleged against in the complaint, is made out.

5. Heard the submissions made by the learned counsel appearing for the parties and gone through the records. This Court finds that taking into the complaint as a whole, there is no case made out for cheating. There are no averments with regard to defamation. The defamatory words which is said to have been made against the defacto complainant are not perse defamatory and is without only substance petitioners/accused 1&2 are falsely implicated to brook vengeance.

6. In view of the above, this court quashes all further proceedings in C.C.No.15649 of 2009 on the file of the XXIII

Metropolitan Magistrate, Saidapet, Chennai. Accordingly, the Criminal Original Petition is allowed. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

msm

To

1. XXIII Metropolitan Magistrate,
Saidapet, Chennai.

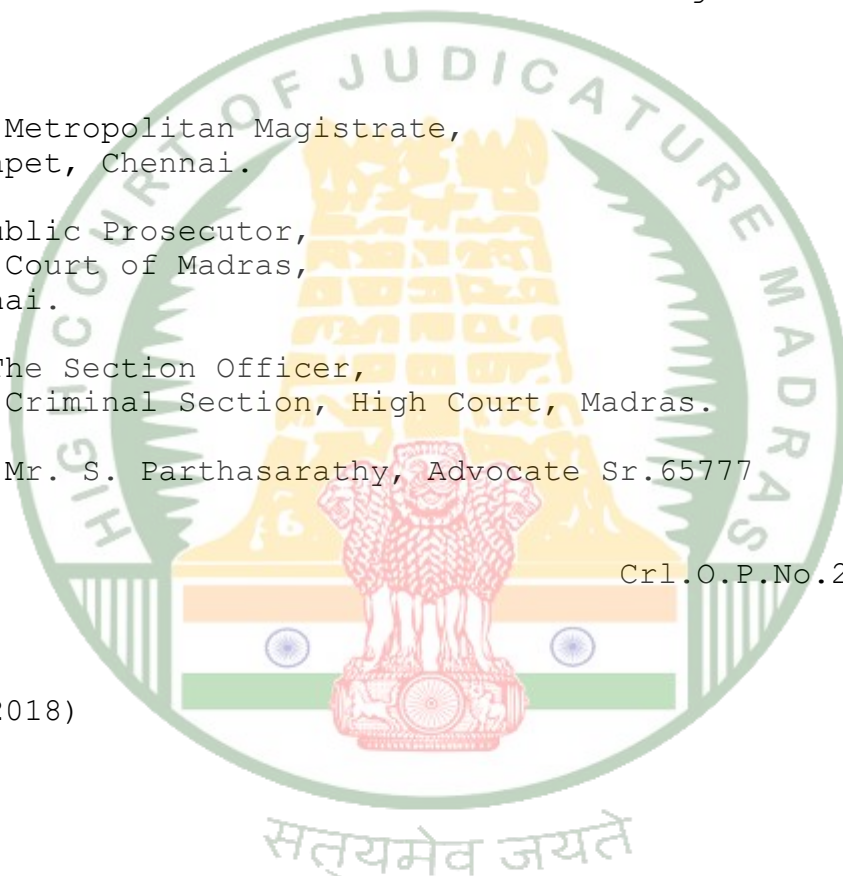
2. The Public Prosecutor,
High Court of Madras,
Chennai.

Copy to: The Section Officer,
Criminal Section, High Court, Madras.

+ 1 cc to Mr. S. Parthasarathy, Advocate Sr.65777

Crl.O.P.No.2778 of 2010

PVS(CO)
EU(23/10/2018)



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