

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2018

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.OP No.10131 of 2010

1.Rajesh Bajaj
2.Anuja R.Bajaj

...Petitioners

....Vs....

1.State rep.by
Sub-Inspector of Police,
G-1, Police Station,
Vepery, Chennai - 7.

2.Mrs.Shanin Fathima

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in charge sheet filed in C.C.No.8036 of 2008 pending on the file of IInd Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioners : Mr.M.Shreedhar

For Respondents : Mr.T.Shanmuga Rajeswaran,
Govt.Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed under Section 482 Cr.P.C., to call for the records in charge sheet filed in C.C.No.8036 of 2008 pending on the file of IInd Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

2. On receipt of the complaint, the matter was investigated and charge sheet was laid for an alleged offence under Sections 430,427,506(ii) of I.P.C as submitted by the Public Prosecutor.

3. The case of the prosecution is that the defacto-complainant is residing at Bajaj House, Plot C, Ground Floor, 4/A, Strangers Salai, Periyamedu, Chennai. The accused A1&A2 with an intention to effect cause damage to obstruct and stopped the drainage drinking water pipes and disconnected the

electricity.

4. The learned counsel for the petitioner would submit that there is a various criminal disputes between the petitioner herein who is promoter of the flat, who is also residing in the same. Hence, during the pendency of the those criminal proceedings, it is previous case has been given and there is a unlawful transfer of the suit properties and Civil Suit in O.S.No.4803 of 2009 is pending before the City Civil Court filed by the one of the petitioner herein. As the Managing Director of the promoter against the second respondent/defendant therein and the defacto-complainant alleged to have purchased the property and charge sheet is pending.

5. Per contra, the learned Public Prosecutor (crl.side) has submitted that the action complaint and as per the charge sheet and Central Criminal alleged to be A1 and A2 as mentioned in the F.I.R which warrants only the matter of evidence be alleged under him.

6. After considering the submissions and both the parties also going through the records and also I find that the fairly position as narrated in the F.I.R is the matter for evidence and this is not the fit case for quashment under section 482 and in this view of the matter since the said act alleged to have been committed with regard to damage and criminal intimidation, I find that this is a matter for a evidence during the course of trial.

7. With these observations, this Criminal Original Petition is dismissed and the learned IInd Metropolitan Magistrate Court, Egmore, Chennai is directed to complete the trial on or before three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

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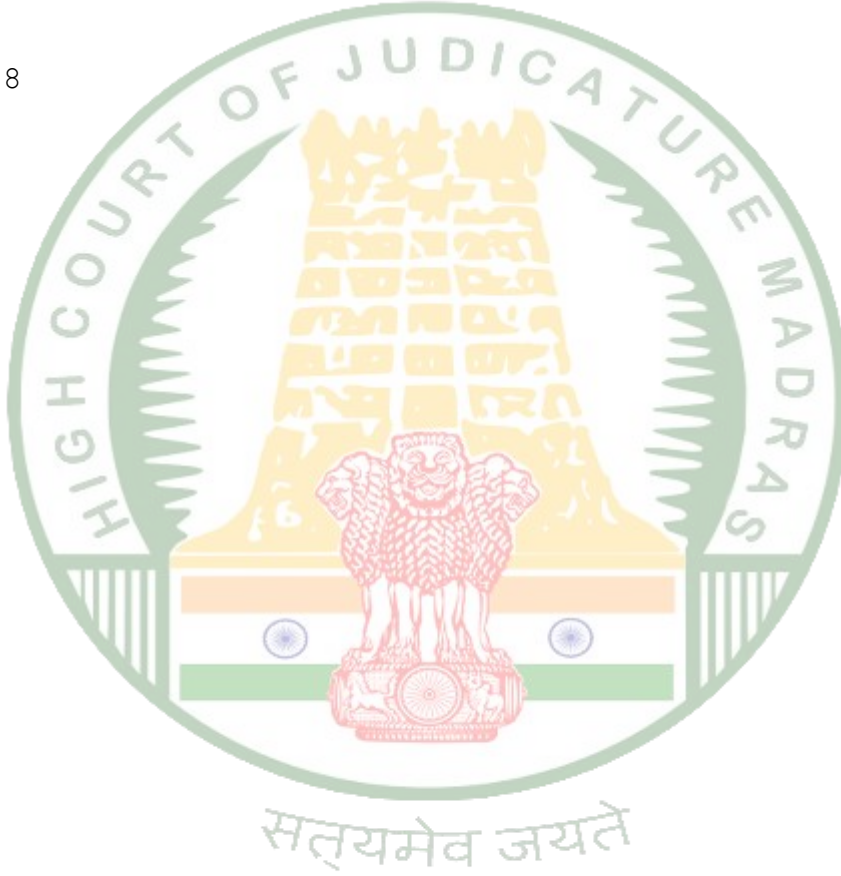
To

1. The IInd Metropolitan Magistrate Court,
Egmore, Chennai

2. Do Thro' Chief Metropolitan Magistrate Court,
Chennai.
3. The Public Prosecutor
High Court, Madras.
4. The Sub Inspector of Police,
G-1, Police Station,
Vepery, Chennai-7

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