

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

CrI.O.P.No.24516 of 2017

1.M.Ramapriya
2.Mahalingam
3.M.Suganya
4.Ravi
5.M.Sumitha
6.K.Kumar

... Petitioners/Accused

Vs.

1. State by
The Inspector of Police,
S-10, Pallikaranai Police Station,
Pallikaranai,
Chennai - 600 100. ... 1st Respondent/Complainant

2. Mahendran ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to Crime No.2527 of 2017 on the file of Inspector of Police, S-10, Pallikaranai Police Station, Pallikaranai, Chennai, quash the same insofar as the petitioners are concerned.

For Petitioners:M/s.R.Bharath Kumar

For Respondents:Mrs.Kritika Kamal.P

Government Advocate (CrI. Side) for R1
Mr.J.Lingeswaran for R2

O R D E R

Challenge in the present petition is to the complaint in which the petitioners herein have been accused of various offences under Sections 147,148,341,294(b),323,448,380,506(2) of IPC, Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992.

2. The learned counsel for the petitioners submitted that apparently the complaint itself is false. The dispute is between the land lord and tenant and the defacto complainant

happens to be the tenant, under the petitioners herein. The averments made in the complaint indicates that the petitioners are alleged to have ransacked the second respondent's shop and taken away 'the gold, silver and other articles.

3. The learned counsel for the petitioners, by relying upon the First Information Report has submitted that the occurrence is said to have taken place, on 19.09.2017, at 6.30 hrs. By a letter, dated 19.09.2017, addressed to the Deputy Commissioner of Police, Chennai City (South), Butt Road, St. Thomas Mount, Chennai, it is seen that the petitioners have given a complaint on the same date of occurrence. But there is no whisper in the complaint about such a big incident having been committed. Likewise, a writ petition has also been filed by the petitioners herein, seeking for a direction to the police to take legal action on the petitioner's complaint dated 21.10.2017. On a perusal of the affidavit filed in support of the W.P.No.25748 of 2017 dated 20.09.2017, it is curious to realise that how the complainant could have forgotten to mention about such an incident with the serious averments and alleged theft to several lakhs on day earlier. This incident, as reflected in the impugned First Information Report, has not been referred to. Apparently, it is seen that there exists a dispute between the landlords and tenant.

5. Though, the learned counsel for the petitioners submitted that the complaint has been malafidely laid in view of the dispute between the parties, I am of the view that these grounds can be established before the investigating officer during the course of investigation. This Court, exercising its powers under Section 482 Cr.P.C, would not justified by rendering a finding on various factual aspects for the purpose of quashing the investigation.

With the above observations and directions, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

dh

To

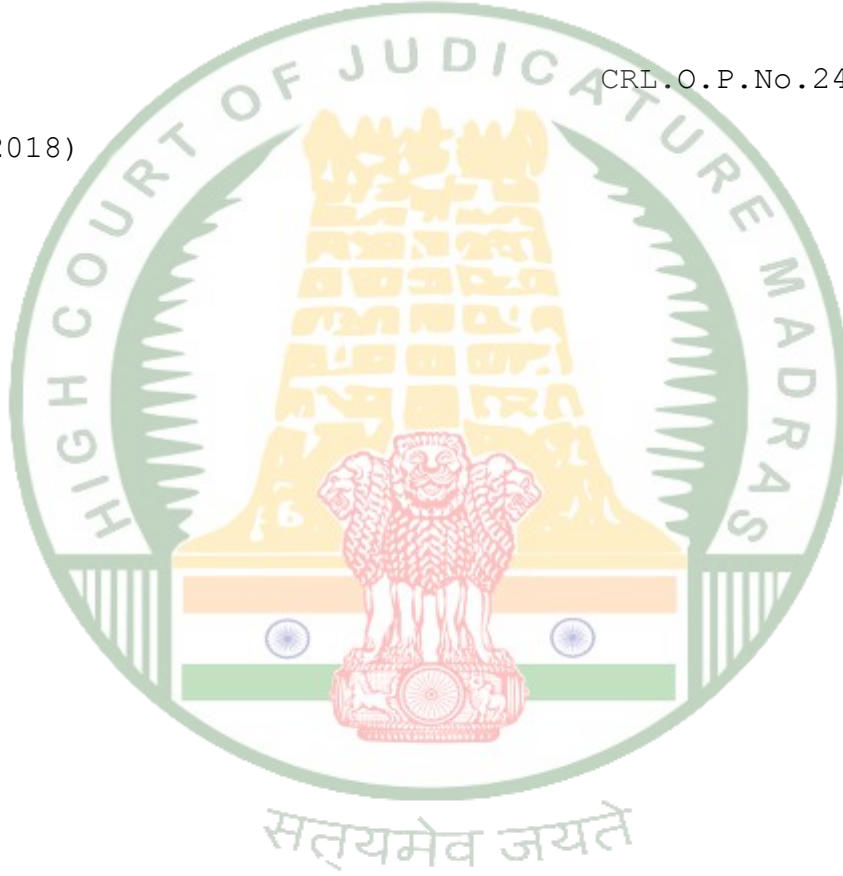
1.The Inspector of Police,
S-10, Pallikaranai Police Station,
Pallikaranai, Chennai - 600 100.

2.The Public Prosecutor,
High court, Madras.

+lcc to Mr.R.Bharath Kumar, Advocate SR.No.5308
+lcc to Mr.J.Lingeswaran, Advocate SR.No.5132

CRL.O.P.No.24516 of 2017

MR(CO)
GN(25/01/2018)



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