

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11799 of 2018

&

Crl.M.P.No.6215 of 2018

B. Uma Maheshwari ... Petitioner/Accused No.1

Vs.

1. The State rep. by
The Inspector of Police
K-8 Arumbakkam Police Station
Chennai.

2. K. Sujatha ... Respondents/Complainant &
Defacto complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the entire records in Crime No. 1314/2017 pending on the file of the 1st respondent and quash the same and such further orders.

For Petitioner : Mr. K. Karthick Jagannath

For Respondents : Mrs. P. Kritika Kamal
Govt. Advocate (Crl. Side) for R1

ORDER

The relief sought for in this petition is to quash the proceedings in Crime No. 1314/2017 pending on the file of the 1st respondent against the petitioner.

2. On the complaint lodged by Sujatha the 2nd respondent, the 1st respondent police has registered a case in Crime No.1314/2017 on 16.11.2017 for the offences under Section 147, 448, 294(b) and 506(i) of IPC, against Uma Mageshwari and 5 others, for quashing which the 1st accused has filed the present quash application.

3. It is the case of the defacto complainant that she is a widow of one Kumaran and that she is residing in the property at D. No.90/11, 5th Street, PP Nagar, Arumbakkam, Chennai; that she has let out the said property to a tenant by name Jesuraj; that the petitioner and her husband had obtained a bogus legal heirship certificate from the Tahsildar stating that her husband Kumaran was unmarried at the time of his death; and on the strength of the legal heirship certificate, they have transferred the house by way of a settlement deed. That apart, the defacto complainant has alleged that on 25.10.2017 the petitioner and five others came to her house and the 5 hirelings brought by her forcibly occupied the portion in which Jesuraj was a tenant. The learned counsel for the petitioner submitted that the petitioner is the co-owner of the said property and therefore the allegation that she has trespassed into the property is not sustainable.

4. Be that as it may, the allegations in the FIR prima facie discloses the commission of cognizable offences in as much as the petitioner and 5 hirelings had gone to the residence of the defacto complainant on 25.10.2017 and threatened the defacto complainant and occupied the portion in which Jesuraj was a tenant. Learned counsel for the petitioner contended that the complaint should have been given by Jesuraj and not by the petitioner. In the opinion of this Court, it cannot be stated that the petitioner has no local standi. Ofcourse, the defacto complainant is not a total stranger but it is the specific allegation of the defacto complainant that her tenant Jesuraj has been dispossessed forcibly, which requires thorough investigation. Anyone can set in motion the criminal law. Since the FIR discloses commission of cognizable offence, the same cannot be quashed, in the light of the law laid down by the Hon'ble Supreme Court in State of Haryana vs. Bhajan lal (1992) Supp.(1) SCC 335.

5. This Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-vi)

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Sub Assistant Registrar

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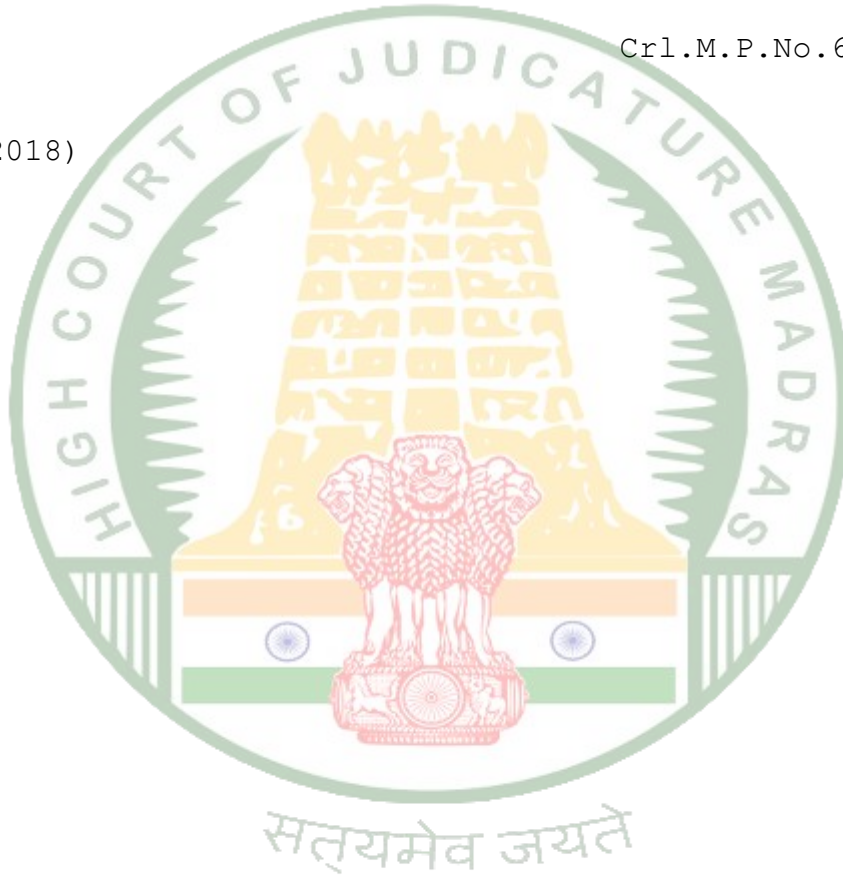
To

1. The Inspector of Police
K-8 Arumbakkam Police Station
Chennai.

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

Crl.O.P.No.11799 of 2018
&
Crl.M.P.No.6215 of 2018

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