

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.04.2018

PRONOUNCED ON : 18.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N. PRAKASH

Criminal Original Petition No.1652 of 2018
and CrI.M.P.No.616 of 2018

K.Manikandan

... Petitioner

Vs.

1.State by
The Inspector of Police
City Crime Branch
Coimbatore.

2.N.Ravichandran

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the FIR dated 17.12.2017 in Cr.No.110 of 2017 on the file of the 1st respondent police.

For Petitioner : Ms.P.T.Asha
for M/s Sarvabhauman Associates
For R1 : Mrs.Kritika Kamal, P.
Government Advocate (Crl.Side)
For R2 : Mr.S.Saravanan

ORDER

This petition has been filed to call for the records in Cr.No.110 of 2017 on the file of the 1st respondent police and quash the same.

2. Ravichandran lodged a complaint and obtained directions in CrI.O.P.No.24471 of 2017, pursuant to which, the respondent police have registered a case in Cr.No. 104 of 2017 on 07.12.2017 under Sections 120-B and 420 IPC against Kannan @ Ananthanarayanan [A1] and two others.

3. On a reading of the FIR, it is seen that Ravichandran, the de facto complainant has alleged that he is the owner of a property in R.S.Puram, Coimbatore which was leased out to Kannan [A1] and Manikandan [A2] temporarily; that they are squatting in the said property illegally; that they have sub-let the property to Oriental Bank of Commerce; that they are receiving rent from Oriental Bank of Commerce and are not paying it to the owners. Hence, criminal action should be taken against them. Challenging the FIR, Manikandan has filed the present quash application.

4. Heard Ms.P.T.Asha, learned counsel for Manikandan/accused, Mrs.Kritika Kamal, learned Government Advocate (CrI.Side) for the State and Mr.Saravanan, learned counsel for the second respondent.

5. The dispute between the accused and the de facto complainant has a chequered history. This Court has dismissed the same while dealing with the quash applications in CrI.O.P.Nos.2746, 9654 and 10211 of 2017. Suffice it to say that the property in question was taken on lease by Manikandan sometime in the year 2006

from Natarajan, the father of Ravichandran [de facto complainant]. The lease was extended from time to time. When Natarajan, attempted to forcibly evict Manikandan, a suit in O.S.No.1117 of 2013 was filed against Natarajan and other defendants including Ravichandran, before the District Munsif, Coimbatore, who granted interim injunction restraining Natarajan, Ravichandran and other defendants from interfering with the peaceful possession and enjoyment of the property by Manikandan. Aggrieved by the order of injunction, the defendants filed C.M.A.Nos.25 and 26 of 2013, which were dismissed by the Sub Court, Coimbatore, on 26.07.2013. Thus, it is beyond doubt that Manikandan is not an encroacher in the property, but has been in possession since 2006. The suit in O.S.No.1117 of 2013 is still pending. While so, Ravichandran, engaged some hirelings and attempted to forcibly evict Manikandan from the premises in the midnight of 12.12.2017.

6. On the complaint lodged by the Watchman of the building, the R.S.Puram Police Station have registered a case in Cr.No.1356 of 2017 on 12.12.2017 under Sections 457 and 380 IPC and during the course of investigation, several accused have been arrested by the police for forcibly evicting Manikandan from the premises and removing the articles belonging to him.

7. The accused in Cr.No.1356 of 2017 filed quash applications in CrI.O.P.Nos.2746, 9654 and 10211 of 2017, which have been dismissed by this Court today. In the opinion of this Court, the case at hand, viz., Cr.No.110 of 2017 has

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been registered on 20.12.2017 by a different police at the instance of Ravichandran as a counter blast for the case in Cr.No.1356 of 2017 that has been registered on 12.12.2017 by R.S.Puram Police against Ravichandran and his henchmen.

8. In such view of the matter, the prosecution against the petitioner in Cr.No.110 of 2017 is clearly an abuse of process of law and accordingly, this petition is allowed and the FIR is quashed. Consequently, connected miscellaneous petition is closed.

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To

1.The Inspector of Police
City Crime Branch
Coimbatore.

2.The Public Prosecutor
High Court, Madras.

18.04.2018



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Pre-delivery order inCrI.O.P.No.1652 of 2018