

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.29816 of 2018
and
Cr1.M.P.No.17479 of 2018

J.Sundar

... Petitioner/Accused-1

vs.

1.The State Represented By
The Inspector of Police,
Saravanapatti Police Station,
Coimbatore,
Coimbatore District.
(Crime No.933 of 2018)

2. Naseer

... Respondents/Complainant &
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the F.I.R in Crime No.933 of 2018 on the file of the first respondent police as far as the petitioner is concerned.

For Petitioner : Mr.K.Balasubramaniam

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed seeking to quash the FIR in Cr.No.933 of 2018 pending on the file of the first respondent police.

2. The learned counsel for the petitioner brought to the notice of this Court, that complaint was given by the petitioner as against the defacto complainant and others on 17.06.2018 and the respondent police have given C.S.R.No.420 of 2018 for the said complaint. Thereafter, based on the complaint given by the second respondent, the present FIR has been registered by the respondent police on 20.07.2018 against the petitioners for an offence under Sections 294 (b), 506 (i), 468, 457 and 511 of IPC.

3. The learned counsel for the petitioner would submit that the petitioners were tenants under one Yasodha. The said Yasodha had sold the property to one other person and the second respondent claiming as the power of attorney of the new owner, attempted to throw away these petitioners from the premises, resulting in lodging the police complaint by the petitioners, which is kept in the C.S.R stage. The learned counsel for the petitioner would further submit that the respondent police have locked the shop and kept the key with themselves and the goods are kept inside the premises for the last three months.

4. The learned Additional Public Prosecutor on instructions would submit that the police will conduct the investigation both on the complaint given by the petitioner as well as the complaint given by the defacto complainant and will complete the investigation within a period of one month and file a report before the concerned Court. The learned Additional Public Prosecutor also submitted that an appropriate decision will be taken with regard to the opening of the premises, during the course of investigation.

5. This criminal original petition is disposed of, with the direction to the respondent police to conduct the investigation both on the case and the counter case and complete the investigation within a period of one month from the date of receipt of a copy of this order and file a report before the appropriate Court. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

dss
To

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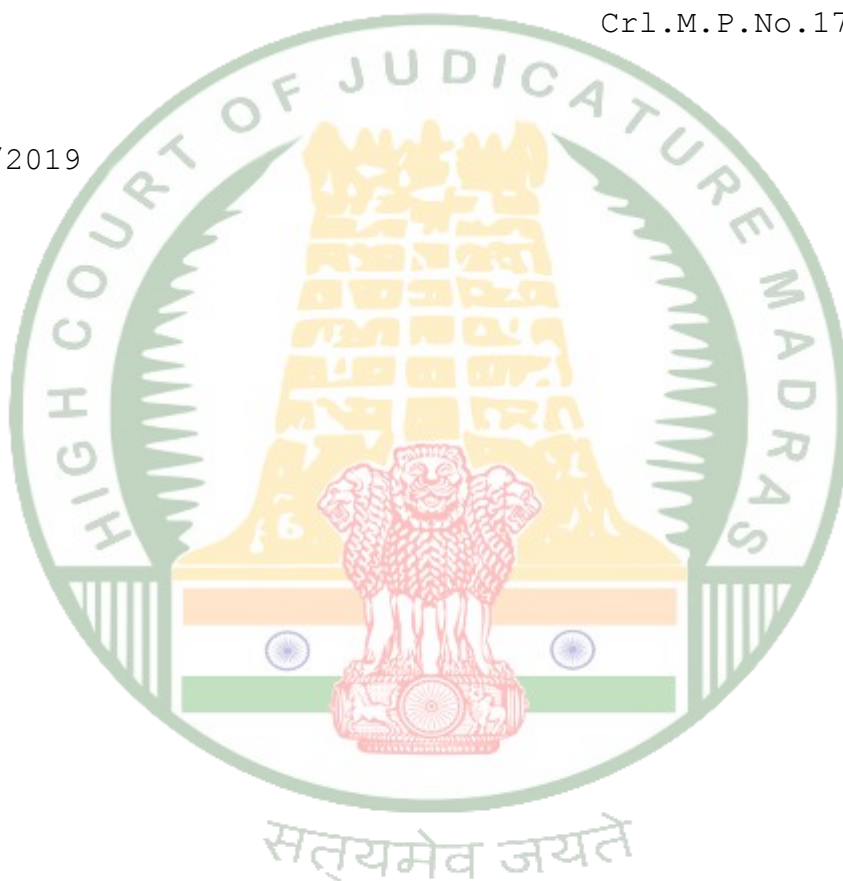
1.The Inspector of Police,
Saravanapatti Police Station,
Coimbatore,
Coimbatore District.

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

+lcc to Mr.K.Balasubramaniam, Advocate Sr.88729

CrI.O.P.No.29816 of 2018
and
CrI.M.P.No.17479 of 2018

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