



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2018

**CORAM:**

**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

**CRL.O.P. (MD) No.16117 of 2018**

**and**

**CrI.M.P. (MD) No.7138 of 2018**

1.S.Mohamed Ansari  
2.M.Abdul Kader,  
3.Kameela,  
4.Sidhick Fathima .. Petitioners/Accused No.1,2,3 & 5

-Vs-

1.State rep. by  
The Inspector of Police,  
Kottar Police Station,  
Nagercoil.  
(Cr.No.366/2018) .. Respondent/Complainant

2.Abdul Kadar .. Respondent/Defacto Complainant  
Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.366 of 2018 on the file of the 1<sup>st</sup> respondent, quash the same as for as the petitioners are concerned.

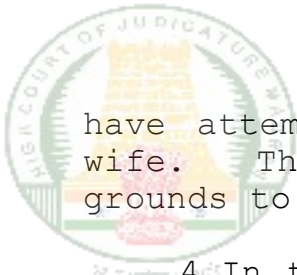
For Petitioners : Mr.C.T.Perumal  
For Respondent : Mr.K.Suyambulinga Bharathi  
Government Advocate (CrI. Side)

**ORDER**

This Criminal Original Petition has been filed to quash the FIR in Crime No.366 of 2018. The FIR has been registered for the alleged offences under Sections 147, 427, 294(b), 506(i) of IPC.

2.The learned counsel for the petitioner would submit that the incident that took place one year back. The present complaint has been given by the defacto complainant with a malafide intention. The learned counsel for the petitioner would further submit that two suits are pending between the parties and simple civil dispute has been given a criminal colour in this case. The learned counsel for the petitioner also submitted that A4 at the relevant point of time was not even in India and he has been unnecessarily ropped in this case.

<https://hcservices.ecourts.gov.in/hcservices/>  
3.The learned Government Advocate (Criminal side) would submit that the defacto complainant and his wife are aged about 70 years and the allegation made in the complaint is that the petitioners



have attempted to forcibly evict the defacto complainant and his wife. The investigation is at the threshold and there are no grounds to quash the FIR.

4. In the facts and circumstances of the case, this Court is of the considered view that the FIR cannot be interfered with at this point of time. However, there shall be a direction to the respondent police to conduct the investigation and complete the same as expeditiously as possible.

5. Accordingly, this Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-3)

TM

To

1. The Inspector of Police,  
Kottar Police Station,  
Nagercoil.

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.C.T.Perumal, Advocate in SR No.83467

**CRL.O.P. (MD) No.16117 of 2018**

NM/PM/SAR 3/08.10.18/2P/3C.