

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.7331 of 2012

R.Padmanaban

... Petitioner

Vs.

1.State, rep. by

Inspector of Police,
B-4, Race Course Salai Police Station,
Coimbatore,
Crime No.1715/2011.

2.The President,

Coimbatore Bar Association,
Combined Court Complex,
Coimbatore 641 018.

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., seeking to quash the FIR in Crime No.1715/2011 dated 10.10.2011 on the file of the first respondent.

For Petitioner : Mr.M.Aravind subramaniam

For Respondents: Mr.C.Iyyapparaj

Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the FIR in Crime No.1715 of 2011 dated 10.10.2011 on the file of the first respondent.

2.The case of the petitioner herein is that he claims to be a Degree holder in Law. However, with reference to the ban imposed by the Bar Council of Tamil Nadu, he was unable to obtain the certificates and enroll as a Lawyer. In the mean time, the petitioner has entered into a dispute with one Sivadesikan, who is a Real Estate Broker, with regard to a land transaction. While that being so, the said Sivadesikan gave a complaint against the petitioner herein before the Coimbatore Bar Association, in which he has stated that the petitioner is not an Advocate. Subsequently, the Bar Association lodged a complaint to the first respondent Police and a FIR also came to

be registered against the petitioner in Crime No.1715/2011 for the offences under Sections 420 and 511 IPC. Aggrieved against the same, the petitioner has come out with the present petition before this Court.

3.The learned counsel for the petitioner submitted that the Bar Association has no right to lodge a complaint against the petitioner, based on a false complaint given by one Sivadesikan, with whom the petitioner has a dispute with regard to a land transaction. He would contend that the defacto complainant has no authority to lodge a complaint against a person, who is not even a member of their association. Subsequent to the complaint lodged, the petitioner has obtained all the Certificates and the Provisional Degree.

4.The learned counsel for the petitioner would further submit that, it would suffice, if this Court permits the petitioner to furnish the particulars before the Law Enforcing Agency to prove his stand and subsequently issue direction to the Law Enforcing Agency to complete the investigation within a time frame.

5.The learned Additional Public Prosecutor concedes to the request made by the learned counsel appearing for the petitioners and on instructions, he would further submit that the investigation will be completed within the time frame fixed by this Court.

6.Considering the request made by the learned counsel for the petitioner, this Court, without going into the merits of the case, is inclined to issue direction to the Law Enforcing Agency to complete the investigation in Crime No.1715 of 2011, as expeditiously as possible, after giving an opportunity to the petitioner to produce his certificate and provisional degree obtained. The petitioners is also directed to co-operate with the Law Enforcing Agency for early completion of the investigation.

7.With the above directions, this criminal original petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. Inspector of Police,
B-4, Race Course Salai Police Station,
Coimbatore,

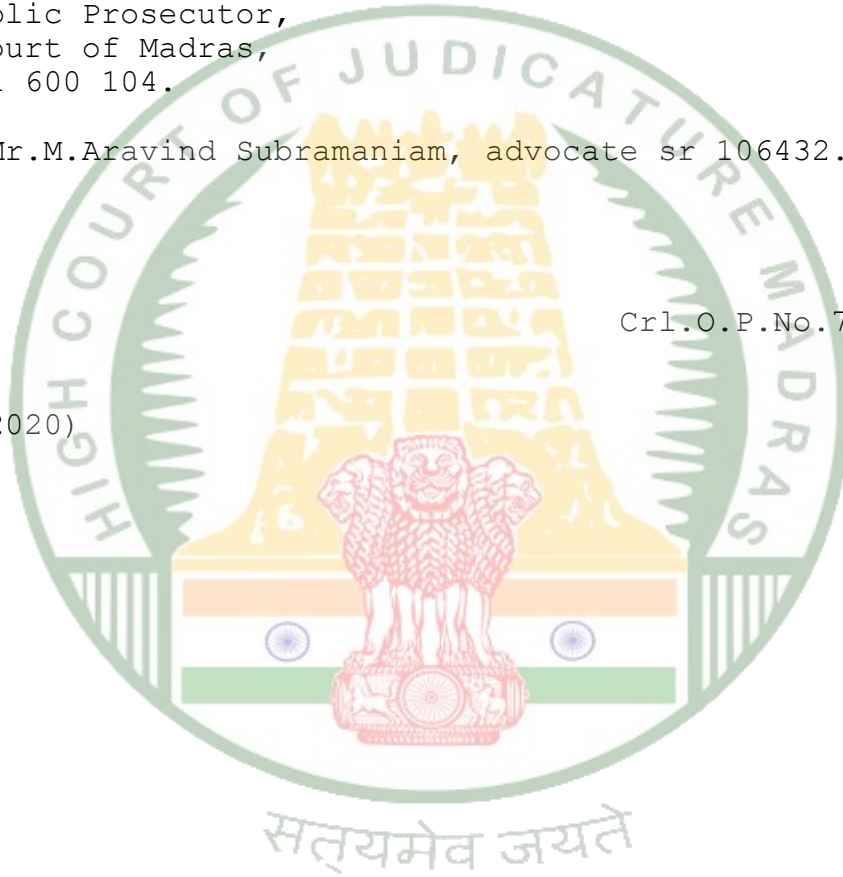
2. The President,
Coimbatore Bar Association,
Combined Court Complex,
Coimbatore 641 018.

3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 CC to Mr.M.Aravind Subramaniam, advocate sr 106432.

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RK(CO)
SP(19/05/2020)



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