

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.847 of 2019

and

Cr1.M.P.No.509 of 2019

1.Karupusamy
2.Ajith Kumar
3.Kannammal

... Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
Velampalayam Police Station,
(Crime No.754 of 2018)

2. Kathirvel

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in the Crime No.754 of 2018, on the file of the Respondent police and Quash the same.

For Petitioners : Mr.G.R.Deepak

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

O R D E R

This Criminal Original Petition has been filed by the petitioner to call for the records in Crime No.754 of 2018, on the file of the Respondent police and Quash the same.

2. The allegations that have been made in the FIR is that the petitioner had restrained the Assistant Engineer in charge of TANGEDCO from shifting the Transformer based on the legal opinion received by him after the dismissal of the application filed by the petitioner in I.A.No.1269 of 2018 by the District Munsif Court, Tirupur.

3. When the matter came up for hearing during last occasion, this Court directed the petitioner to file an affidavit to the effect that the petitioner will not disrupt the transformer from being shifted and that the petitioner will work out his remedy only before the competent Civil Court.

4. Today, the petitioners have filed an affidavit before this Court. The relevant portion of the affidavit is extracted hereunder:

" 9. I submit that we undertake not to disturb or create any dispute with respect to shifted transformer and would meet our remedy before the appropriate civil forum."

It is also brought to the notice of this Court that the transformer has already been shifted.

5. In view of the affidavit filed by the petitioners and in view of the fact that the transformer has already been shifted, no useful purpose will be served by keeping this FIR pending. If the petitioners violate the undertaking given before this Court, it is open to the respondent police to register a fresh FIR against these petitioners in accordance with law.

6. In the result, the FIR in Crime No. 754 of 2018, on the file of the respondent police is hereby quashed. Accordingly, this Criminal Original Petition is closed. Consequently, the connected miscellaneous petition is also closed.

mpa/rpl

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Velampalayam Police Station,
Tirupur city.

2. The Public Prosecutor
High Court of Madras

Cr1.O.P.No.847 of 2019
and

Cr1.M.P.No.509 of 2019

kak(18/02/2019)