

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.02.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.3575 of 2019
and
Crl.M.P.No.2271 of 2019

K.M.Mohideen Kunhi

...Petitioner Accused

Vs.

1.State rep. by

The Inspector of Police (Law & Order)
E-1, Mylapore Police Station
No.140, Kutchery Road
Mylapore, Chennai 600 004

2.Naseer Hajiya

...Respondents

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in the FIR registered in Crime No.712/2018 on the file of the respondent police and quash the same.

For Petitioner : Mr.P.Solomon Francis

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor for R1

Mr.M.J.Jaseem Mohammed for R2

ORDER

This Criminal Original Petition has been filed by the petitioner under Section 482 Cr.P.C., to call for the records in the FIR registered in Crime No.712/2018 on the file of the respondent police and quash the same.

2.The learned counsel for the petitioner would submit that the defacto complainant is no longer a committee member and he was expelled long ago but the 1st respondent police has registered a case as though he was a committee member. The complainant also suppressed the vital truth that the petitioner herein is conducting to be the Muthavalli under the order of this Court and it is only to malign the petitioner and unsettle him from the post of Muthavalli. Since the complainant is out of the management of the mosque and as such he got every ill motive against the petitioner for making false complainant. Already writ proceedings are pending before this Court with

regard to the administration of the Mosque and the order passed by the Wakf Board. Hence this Petition.

3.The learned counsel for the 2nd respondent has filed counter.

4.Heard both sides.

5.As there is a specific allegation in the F.I.R. to enquire the matter, it is also further seen from the submissions made by the 2nd respondent in his counter that after the occurrence he has got admitted into the hospital and taking treatment, this has to be decided only after full fledged enquiry.

6.Therefore, this Court is not inclined to quash the F.I.R. registered in Crime No.712 of 2018 on the file of the 1st respondent. The 1st respondent police is hereby directed to complete the investigation and file a final report within a period of two months from the date of receipt of a copy of this order.

7.Accordingly, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police (Law & Order)
E-1, Mylapore Police Station
No.140, Kutcheri Road
Mylapore, Chennai 600 004

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

+1cc to Mr.M.J.Jaseem Mohamed, Advocate, S.R.No. 13239
+1cc to Mr.P.Solomon Francis, Advocate, S.R.No. 13307

Cr1.O.P.No.3575 of 2019
and
Cr1.M.P.No.2271 of 2019

CA(CO)
GN(13/03/2019)