

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**Crl.O.P.No.5213 of 2019  
and M.P.No.3010 of 2019**

1.M.Balaraman

2.K.Mathivanan

... Petitioners

Vs.

1.State of Tamil Nadu,  
rep. By The Inspector of Police,  
B-1, Sivakanchi Police Station,  
Kancheepuram,  
Kancheepuram District.

2.R.Muthumani.

... Respondents

**Prayer:** Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the F.I.R., in Crime No.502 of 2018, dated 07.10.2018 on the file of the Inspector of Police (Law and Order), B-1, Sivakanchi Police Station, Kancheepuram, Kancheepuram District and quash the same in respect of the petitioners 1 and 2/A1 and A2.

For Petitioner : Mr.B.Dayalan

For 1<sup>st</sup> Respondent :Mr.C.Raghavan  
Government Advocate (Crl.side)

**ORDER**

This Criminal Original Petition has been filed to quash the F.I.R., in Crime No.502 of 2018, dated 07.10.2018, on the file of the first respondent Police.

2. The first petitioner has let out the northern portion of his property to one Mohan and the same was latter vacated in the year 2005 and remained vacant. The southern portion was let out to the 2<sup>nd</sup> respondent herein and he is running a clothing store in the name and style of 'Sri Mahalakshmi Banian Store'. Since the building is in a dilapidated condition, the 1<sup>st</sup> petitioner asked the 2<sup>nd</sup> respondent to vacate the premises for which the 2<sup>nd</sup> respondent/defacto complainant filed a suit in O.S.No.186 of 1998 before the learned Additional District Munsif Court, Kancheepuram and obtained a decree in his favour by an order dated 15.06.1999. The 1<sup>st</sup> petitioner has also filed R.C.O.P.No.11 of 2016 as against the 2<sup>nd</sup> respondent/defacto complainant for arrears of rent, for demolition and reconstruction of the southern portion of shop premises. Pending RCOP, the 1st petitioner sold the entire property to the second petitioner, pursuant to which the second petitioner attempted to demolish the northern portion. While this demolition work is being carried out, the southern portion of the northern wall had a crack and the demolition

process was stopped. But, the 2<sup>nd</sup> respondent had filed a petition in M.P.No.22 of 2018 in RCOP.No.11 of 2016 before the Rent Controller, Kancheepuram, stating that during night hours, when his shop was locked up, the 2<sup>nd</sup> petitioner under the pretext of demolishing the above shop, have demolished the entire northern side of the wall of the southern portion of the shop premises and that he has stored goods worth of Rs.10 Lakhs. While the RCOP is pending, the 2<sup>nd</sup> respondent lodged a complaint before the 1<sup>st</sup> respondent police stating that after he locked his shop, the 2<sup>nd</sup> respondent had demolished his shop using JCP also and also damaged the goods stored in the shop worth about Rs.15 lakhs. Based on the complaint, the 1<sup>st</sup> respondent registered a case in Crime No.502 of 2018 against the petitioner for the offence under Sections 147, 294(b), 506(ii) of IPC and 3(1) TNPPDL Act and filed a final report before the learned Judicial Magistrate No.1, Kancheepuram.

3.The learned counsel for the petitioners submitted that the 2<sup>nd</sup> petitioner has not even touched the defacto complainant's portion of the shop and only the northern portion of the premises was demolished. He further submitted that the defacto complainant is having the shop and also running the business daily without any hindrance by the petitioners herein. He has given a false complaint against the petitioners and hence, prays to quash the F.I.R.

4.The leaned Government Advocate (Crl.side) submitted that investigation is pending.

5.Heard both sides.

6.It is seen from the First Information Report that there is a specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopaedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses *prima facie* commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating agency has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7.Accordingly, this petition is dismissed. However, the 1<sup>st</sup> respondent is directed to complete the investigation in Crime No.502 of 2018 and file a final report within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

**27.02.2019**

Internet: Yes.  
Index:Yes/No  
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To

1.The Inspector of Police,  
B-1, Sivakanchi Police Station,  
Kancheepuram,  
Kancheepuram District.

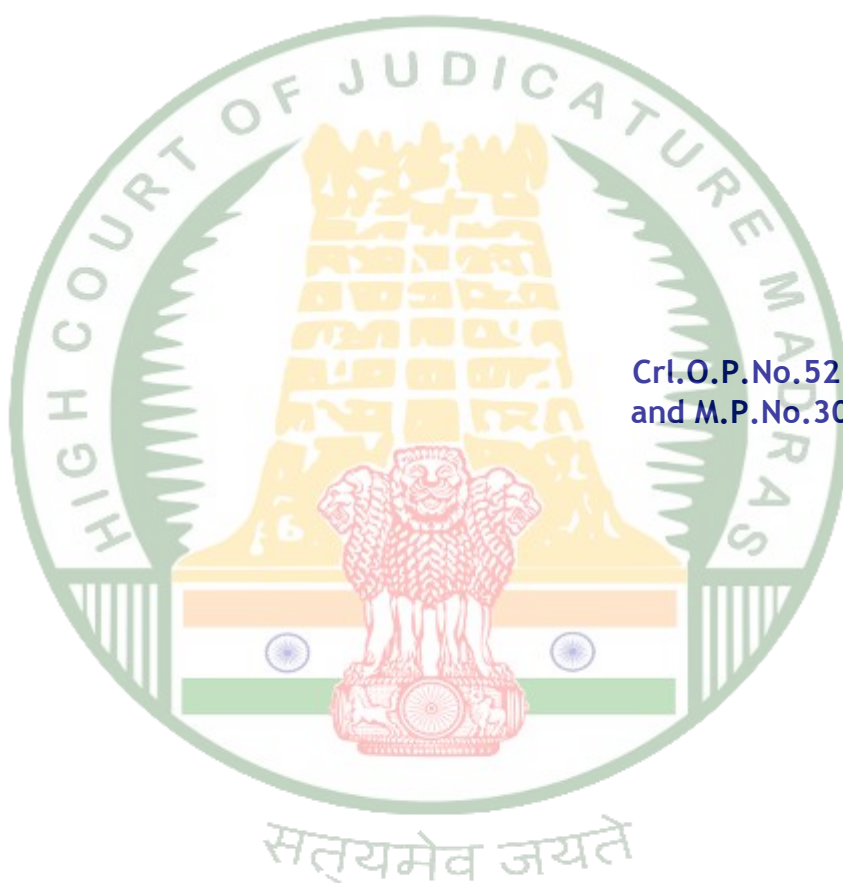
2.The Public Prosecutor,  
High Court, Madras.



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G.K.ILANTHIRAIYAN,J.,

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