

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.25974 of 2014

E.Chandrasekar
Petitioner

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Vs

1.The State Represented by
The Inspector of Police,
Maangadu Police Station,
Chennai.

2. Sheeba Rani Francis
Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.926 of 2014 on the file of the Inspector of Police, Maangadu Police Station, Chennai and quash the same.

For Petitioner : Mr.N.Senthil Kumar
For Respondents : Mr. C.Iyyapparaj, APP
for R1 : Mr.S.Ravi for R2

ORDER

- 1.The present petition has been filed by the petitioner to call for the records on the file of the 1st respondent relating to Crime No.926/2014 and quash the same.
- 2.It is the case of the petitioner that the 2nd respondent has entered into an agreement with one K.E.Srinivasan, who is the brother of the petitioner for the lease/tenancy of his lands. The wife of the petitioner, who is arrayed as A-2 in the said crime, purchased a property, which is adjacent to the property of the petitioner's brother, which is leased out to the 2nd respondent. As the 2nd respondent attempted to grab the property illegally from the petitioner's wife with the connivance of the respondent police, the petitioner was constrained to file a suit in O.S. No.232 of 2014 before the learned District Munsif, Sriperumbudur, seeking permanent injunction restraining the defendants or their agents or servants or any person claiming under them from interfering with the plaintiff's peaceful possession and enjoyment of the schedule property. As the suit has been filed and since

the 2nd respondent could not achieve her ulterior motive to usurp the property belonging to the petitioner's wife, the 2nd respondent has filed the complaint, which has culminated in the registration of the FIR. It is averred that the case has been registered only to make the petitioner part with his property. Therefore, the present petition has been filed for the relief stated above.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and perused the materials available on record.

4. It is not in dispute that the property belonging to the petitioner's brother has been leased out to the 2nd respondent, in which the 2nd respondent claims that the petitioner along with the other accused have illegally trespassed and committed vandalism and, thereby, damaged not only the property, but have taken documents worth Rs.25 Lakhs and, therefore, the present complaint has been lodged.

However, it is also borne out by record that the property adjacent to the property belonging to the petitioner's brother has been purchased by the petitioner's spouse and insofar as the said property is concerned, a suit in O.S. No.232/14 is pending seeking permanent injunction.

5. In the above backdrop of the facts, this Court is of the considered view that the relief of quashment sought for at the present time cannot be granted as the matter relates to case and case in counter by way of filing of suit and criminal complaint.

6. Learned Additional Public Prosecutor (Crl. Side) appearing for respondent-1 submits that this Court may direct the investigating agency to complete the investigation within a particular time frame and submit its report.

7. Accordingly, this petition is disposed of, directing the 1st respondent to complete the investigation within a period of four weeks from the date of receipt of a copy of this order. The petitioner as well as the 2nd respondent is at liberty to produce documents, in support of his case before the investigating agency. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

jrs

To

The Inspector of Police,
Maangadu Police Station, Chennai.

+1cc to Mr.N.Senthil Kumar , Advocate SR.No. 102479

+1cc to M/s.S.Rani , Advocate SR.No. 102691

Crl.O.P.No.25974 of 2014