



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD).No.8845 of 2019

and

CrI.M.P.(MD)No.5597 of 2019

K.Muthu Pandi

: Petitioner

Vs.

1.State represented by
its Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.
Crime No.217/19.

2.Rippath

: Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to call for records in Cr.No.217 of 2019 on the file of the first respondent and quash the same insofar as the petitioner is concerned.

For Petitioners

: Mr.S.Kumar

For R1

: Mr.K.Suyambulinga Bharathi

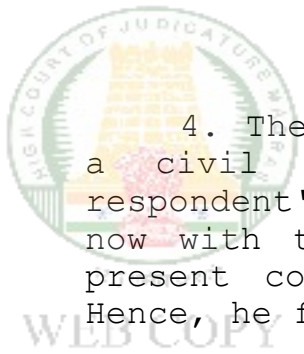
Government Advocate (CrI.Side)

ORDER

This petition has been filed to quash the proceedings in Crime No.217 of 2019.

2. Based on the complaint given by the second respondent a case in Crime No.217 of 2019 has been registered for the offences punishable under Sections 147, 148, 249(b), 427 and 506 (2) IPC. The petitioner is the seventh accused in this case.

3. The case of the petitioner is that the father of the second respondent / defacto complainant is a tenant under the first accused. Earlier based on the assurance given by the first accused, that a new lease deed will be executed in favour of the second respondent and his father, the father of the second respondent had executed a cancellation of lease deed. But the first accused instead of executing a new lease deed has threatened the second respondent to vacate the shop. The accused also unlawfully assembled in front of the shop and broke open the shop, also threatened the petitioner with dire consequences and hence, the complaint has been lodged before the respondent police, and a crime has been registered.



4. The learned counsel for the petitioner submitted that it is a civil dispute between the parties. Earlier the second respondent's father had executed a cancellation of lease deed and now with the *mala fide* intention to occupy the shop, lodged the present complaint and it is a clear abuse of process of law. Hence, he filed the present petition to quash the FIR.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. A perusal of the complaint, it could be seen that all the accused have unlawfully assembled before the second respondent's shop, caused damage to the shop and also criminally intimidated the second respondent. The complaint *prima facie* made out the offences against the petitioner. The fact that whether the defacto complainant has executed cancellation of lease deed or not is a matter for investigation, on that ground at this stage, the complaint cannot be quashed.

7. In the above circumstances, I find no merit in this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.KUMAR, Advocate SR-71595.

Order made in
CRL.O.P. (MD) .No.8845 of 2019

Dated:
25.06.2019

CS/ /SAR/16.07.2019/ 2P/ 4C