



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.18556 of 2015 and

M.P.(MD)No.1 of 2015

1. Pandian

2. Sekar

3. P.Raja

... Petitioners/Accused Nos.1 to 3

Vs.

1. State thro the Inspector of Police,

Alinagaram police station,

Allinagaram,

Theni District.

(Crime No.585 of 2015) ... Respondent/Complainant

2. K.Selvam

... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records from the first respondent police in Crime No.585 of 2015 and quash the same as devoid of merits.

For Petitioners

: Mr.A.Haja Mohideen

For R-1

: Mr.A.Robinson,

Government Advocate (Crl. Side)

For R-2

: Mr.A.Saravanan

O R D E R

The petitioners are figuring as accused in Crime No.585 of 2015 on the file of Allinagaram police station, Allinagaram, Theni District, for the offences under Sections 379 and 109 of I.P.C.

2. The second respondent is the defacto complainant. According to him, the petitioners had stolen 300 bags of cement.

3. To quash the same, this criminal original petition has been filed.

4. Heard the learned counsel on either side.

5. It is seen that the petitioners and the defacto



complainant had entered into a construction agreement dated 30.07.2011. It appears that dispute arose between the parties regarding the fulfillment of the term of the agreement. The petitioners would allege that the respondent left the matter half way. The petitioners therefore filed C.C.No.24 of 2012 before the District Consumer Disputes Redressal Forum, Theni, against the defacto complainant. Against the award passed in their favour on 07.01.2014, the defacto complainant filed an appeal before the State Consumer Commission. The appeal was partly allowed and the award was reduced from Rs.4 Lakhs to Rs.2 Lakhs. The petitioners' counsel would claim that this award was confirmed by the National Commission and the case is pending execution. It is in this background, the impugned First Information Report came to be registered.

6. A mere look at the First Information Report would show that for the occurrence said to have taken place in the year 2012, the complaint came to be laid in the year 2015.

7. There is absolutely no explanation from the defacto complainant regarding this huge delay. I have therefore no hesitation to say that the impugned First Information Report has been given as a counter blast to the action taken by the petitioners herein before the consumer forum.

8. Section 482 of Cr.P.C. can be invoked if there is an abuse of legal process. Since I specifically find that the impugned First Information Report has been given only as a counterblast and to wreck vengeance against the petitioners, I have no hesitation to quash the impugned First Information Report.

9. The criminal original petition stands allowed, accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar(CS)

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To:

1. The Inspector of Police,
Alinagaram police station,
Allinagaram,
Theni District.

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

+1 CC to Mr.A.HAJA MOHIDEEN, Advocate (SR-104165[F] dated
10/12/2019)

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