

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.4735 of 2020 and
Crl.MP.No.2701 of 2020

A.Chirpi @ Tamil Chirpi ...Petitioner/Accused Rank Unknown

Vs.

1.The State rep. by
The Station House Officer,
Chrompet Police Station,
Chrompet, Chennai - 600 044
(Crime No.30 of 2020)

2.C.Mathivanan ...Respondents/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to the FIR in Crime No.30 of 2020 dated 07.02.2020 on the file of the first respondent herein and quash the same.

For Petitioner : Mr.A.Prakash

For Respondents

For R1

: Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

This petition has been filed to quash the FIR in Cr.No.30 of 2020 registered for the offences under Sections 120(b), 186, 353 and 506(i) of IPC on the file of the first respondent as against the petitioner and another.

2. On perusal of the records, on the complaint lodged by the second respondent, the first respondent registered FIR in Cr.No.30 of 2020 for the offences under Sections 120(b), 186, 353 and 506(i) of IPC as against the petitioner and another. The crux of the allegation is that when the second respondent was in Union Office as Block Development Officer on 09.01.2020, some unidentified person came to his Office and threatened him that the second respondent has to pay a sum of Rs.1,00,000/- and a sum of Rs.40,000/- per month as mamool to the petitioner's father. The said person was duly instructed by the petitioner, Chirpi S/o Anbazhagan to demand money from the second respondent herein and also threaten him with dire consequences. Therefore, the first respondent registered FIR as against the petitioner and the unidentified person. Even according to the second

respondent defacto complainant, one unidentified person came to his Office and threatened him with dire consequences and also demanded money. He threatened the second respondent only on the instruction given by the petitioner herein.

3. It is seen that on the investigation, the first respondent even till today did not trace the person who threatened the second respondent herein. When the identity of the said person itself is not traced out and when it being so, the petitioner cannot be prosecuted. That apart, there is a previous enmity between the second respondent and the petitioner herein. The second respondent filed civil suit in CS.No.566 of 2017 before this Court and thereafter transferred to the file of III Additional Sessions Judge, City Civil Court, Chennai and renumbered as O.S.No.4154 of 2019 and it is pending for trial. The second respondent also caused defamation notice to the petitioner's father. Therefore, due to the said enmity, the impugned complaint has been lodged by the second respondent. Unfortunately, the first respondent mechanically registered FIR without even constituting any offence as against the petitioner herein. Therefore, it cannot be sustained as against the petitioner since unidentified person is not yet traced out by the first respondent herein. It shows that the entire complaint is false one and with malafide intention, foisted as against the petitioner. Therefore, it is liable to be quashed.

4. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime No.30 of 2020 on the file of the first respondent is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Station House Officer,
Chrompet Police Station,
Chrompet, Chennai - 600 044
2. The Public Prosecutor,
High Court of Madras

+1cc to Mr.S.Kumara Devan, Advocate, S.R.No.29434

CRL.O.P.No.4735 of 2020

SR(CO)
RV(01/12/2020)