

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.22732 of 2014
and M.P.No.1 of 2014

M.Arunachalam ...Petitioner/Accused 3
Vs

1.The Inspector of Police
Palladam Police Station
Palladam
Tiruppur District

2.M.Amirtham ...Respondents/Complainant/
Defacto Complainant

Prayer: CrI.O.P., filed under Section 482 of Cr.P.C., praying to call for the records in connection with FIR in Crime No.246 of 2012 on the file of the respondent herein and to quash the same as against the petitioner herein.

For Petitioner : Mr.D.Selvaraju

For Respondents : Mr.R.Ravichandran,
Govt. Advocate[Criminal Side] for R1

Notice served to respondent No.2

ORDER

The 1st respondent filed the case against the petitioner and others based on the complaint given by the 2nd respondent. In the complaint, the petitioner was shown as A-3. Pending investigation, the petitioner/3rd accused has filed this petition seeking to quash the FIR in Crime No.246 of 2012 on the file of the 1st respondent.

2. The learned counsel for the petitioner would submit that the dispute is civil in nature and the property belongs to the petitioner. However, the 2nd respondent tried to trespass into the property and therefore, filed a false case against the petitioner. Since the dispute is of civil in nature and the civil court also cleared the titles, no criminal case can be prosecuted against the petitioner.

3. The learned Government Advocate (Criminal Side) submits that since stay has been granted by this court, the 1st respondent Police cannot proceed with the investigation.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the 1st respondent and perused the records.

5. Though the complaint referred to the civil case, since the 2nd respondent made certain allegation against the petitioner alleging that the petitioner threatened him and under these circumstances, this court is not inclined to invoke Section 482 of Cr.P.C., to quash the FIR. The 1st respondent is directed to investigate the matter and file charge sheet within three months from the date of receipt of a copy of this order.

6. This Criminal Original Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Palladam Police Station,
Palladam,

Tiruppur District.

2.The Section Officer,
Criminal Section, High Court, Madras.

+1cc to Mr.D.Selvaraju, Advocate Sr.14309

Cr1.O.P.No.22732 of 2014

sr[co]
srg 10/03/2020