



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.10958 of 2020

and

Crl.M.P. (MD)No.5001 of 2020

WEB COPY

1.P.Nagaraj @ Nagaraja

2.Bhuvaneshwari @ Buvaneshwari

3.Menaka ... Petitioners / Accused

Vs

1.The State rep. by
The Inspector of Police,
(Law and Order)
Madurai,
Nagamalai Pudukottai,
Madurai District.

... Respondents / Respondents

2.Ramanan @ Krishnaramanan

... 2nd Respondent / Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for records and quash the impugned FIR in Crime No.2209 of 2020 on the file of the first respondent.

For Petitioners	:	Mr.G.Kannan
For R1	:	Ms.S.E.Veronica Vincent Government Advocate(Crl.Side)

ORDER

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the first respondent.

2.The petitioners are figuring as accused in Crime No.2209 of 2020. The second respondent is the defacto complainant. The second respondent is a tenant, while the first petitioner herein is a landlord.

3.The case of the defacto complainant is that the first petitioner is putting pressure on him to vacate the property. Therefore, the second respondent has filed O.S.No.42 of 2020 before the District Munsif Court, Thirumangalam. When the defacto complainant was away, it is stated that the petitioners came to the house and caused mischief and the petitioners are said to have



damaged the dog kennel and also caused injury to one dog. They are said to have stolen the two puppies. Based on the said complaint, the instant FIR has been registered.

4.The petitioner's counsel would contend that there is material to show that the second and third petitioners were away on official duty and that they could not have been present in the spot at the stated time. The contentions urged by the petitioner's counsel are rather factual in nature.

5.This Court while exercising jurisdiction under Section 482 of Cr.P.C., will not be justified in going into the same. Therefore, I decline to grant relief. This Criminal Original Petition is dismissed. I make it clear that the defence of the petitioners are left open. If the allegations on investigation are found to be false, the first respondent is bound to file a closure report. The contentions urged by the petitioner's counsel are matters for investigation by the first respondent. Leaving open the rights of the petitioners, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
(Law and Order)Madurai,
Nagamalai Pudukottai,Madurai District.

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

CrI.O.P (MD)No.10958 of 2020
07.10.2020

SSS (CO)

AP(22/10/2020) 2P 3C

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