



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 10.02.2020
CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

WEB COPY

CRL.O.P. (MD) .No.3317 of 2016
and
CRL.M.P (MD) .No.1686 of 2016

1.Negomiya
2.Ketsiyal Deva Selvi
3.Eroniya
4.Rooban

... Petitioners/Accused 1 to 4

Vs.

1.The State represented by
The Inspector of Police,
TVMCH Police Station,
Tirunelveli District.
(Crime No.11 of 2016)

... 1st Respondent/Complainant

2.Amalan

... 2nd Respondent/Defacto
Complainant

Prayer : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for records relating to the FIR in Crime No.11 of 2016 on the file of first respondent police and quash the same.

For Petitioner : Mr.M.P.Senthil

For R1 : Mr.M.Chandrasekar,
Additional Public Prosecutor.

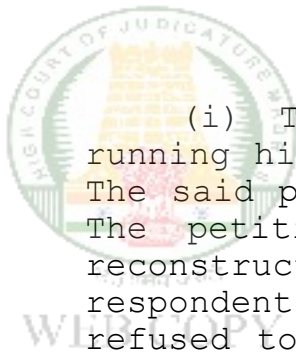
ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.11 of 2016, for the offence punishable under Sections 427, 294(b), 506(i) IPC on the file of the respondent police.

2.The petitioners are accused persons in the above said crime number. On complaint given by the second respondent, a case in Crime No.11 of 2016 has been registered for the offence punishable under Sections 457, 380(NH), 341, 294(b) and 506(i) altered into 457, 380(NH), 341, 294(b) and 506(i) IPC and Section 3(1)(x) of the SC/ST (POA) Act, 1989. Against which, the present petition has been filed by the petitioners for quashing the complaint.

3.The facts of the case briefly are stated hereunder:

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(i) The second respondent, who is an Advocate and he was running his office in the first floor of the petitioner's premises. The said property was purchased by the second petitioner's husband. The petitioners have decided to demolish the building and to reconstruct the same. Therefore, they instructed the second respondent to vacate the property. But, the second respondent refused to vacate the same and causing trouble to the petitioners. Due to which, there was a dispute between them.

4.The contention of the learned counsel for the petitioners is that the second respondent being an Advocate, who had created the documents showing that prior to the purchase of the property, the tenancy agreement has been entered and he had been refusing to vacate the premises and demanding ransom. Therefore, the fourth petitioner had lodged a complaint against the said Amalan and the same came to be registered in Crime No.175 of 2015 for the offence under Sections 427, 294(b), 323, 506 (i) IPC.

5.The learned Additional Public Prosecutor submitted that the respondent police completed the investigation and closed the same as 'mistake of fact'.

6. In view of the above said submissions, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

To

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

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

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-5550[F] dated 11/02/2020)

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JMN(12.03.2020) 2P : 4C

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