



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

WEB COPY

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.No.13132 of 2015

and

CRL.M.P.Nos.1 & 2 of 2015

1.S.A.Abdul Jabbar

2.Haseena Banu

3.Abbas

4.Abubakkar Siddique

... Petitioners

Vs.

The Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam,
Erode District.

(Crime No.394 of 2014)

... Respondent

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records relating to CC No.21 of 2015 pending before the Judicial Magistrate, Sathyamangalam, Erode District, filed by the respondent and quash the same.

For Petitioners : Mr.P.Nethaji

For Respondent : E.Rajthilak

ORDER

This Criminal Original Petition has been filed by the petitioners, seeking to call for the records relating to the C.C.No.21 of 2015 pending before the Judicial Magistrate, Sathyamangalam, Erode District and quash the same.

2. According to the petitioners, the defacto complainant lodged a complaint with false allegations and without any locus standi against them, alleging that the petitioners along with others trespassed into his house property and dispossessed him, and a case was registered in Crime No.35 of 2014 for the offences punishable under Sections 147, 447, 427 and 506(i) IPC. After investigation, the concerned respondent police has filed a final report before the Judicial Magistrate, Sathyamangalam, Erode District and the same was taken on file in C.C.No.21 of



2015. Now the petitioners have come forward with the present petition, seeking to quash the same.

3. Though very many grounds raised on behalf of the petitioners for the purpose of quashing the proceedings pending against them, such as, the defacto complainant has no locus standi, after demise of principal, Power of Attorney also got expired automatically, the dispute between the parties is purely civil in nature, but given criminal colour, petitioners are in possession of the disputed property without any interruption and suppression of material facts, etc., this Court cannot go and decide all these disputed facts while exercising its jurisdiction under Section 482 Cr.P.C. These grounds are at best can be canvassed before the trial Court at the time of trial and can be taken as defence by the petitioners. Time and again the Hon'ble Apex Court has cautioned that the High Court should be extremely cautious and slow to interfere with the investigation and/or trial of criminal cases and should not stall the investigation and/or prosecution except when it is convinced beyond any manner of doubt that the FIR does not disclose commission of an offence or that the allegations contained in the FIR do not constitute any cognizable offence or that the prosecution is barred by law or the High Court is convinced that it is necessary to interfere to prevent abuse of the process of the Court. Therefore, this Court is not inclined to entertain the present Writ Petition.

4. Accordingly, the Criminal Original Petition is dismissed and the trial Court is directed to proceed with the case and disposed of the same in accordance with law. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate. Sathyamangalam,
Erode District.
2. The Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam, Erode District.
3. The Public Procedure,
High Court, Madras.

CRL.O.P.No.13132 of 2015
and

CRL.M.P.Nos.1 & 2 of 2015

LN(CO)

B.VC(09.08.2021)