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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.09.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Cr1.OP.No.17923/2016 & Cr1.MP.No.8517/2016

[Video Conferencing]

1.Niamadullah

2.Masjid Bai

...Petitioners/A1 & A2

Versus

1. Inspector of Police

(Law and Order)

B2, Esplanade Police Station,
Chennai - 600 104.

2. G.K.Harihararajan

...Respondents

Prayer :- Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records in C.C.No.832/2010 on the file of VII Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners : Mr.R.Arun Kumar

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

For R2 : No appearance

ORDER

- (1) The petitioners herein are the landlords of a portion wherein the defacto complainant/2nd respondent herein was a tenant.
- (2) The petitioners herein had filed RCOP.No.85/2008 and thereafter filed RCA.No.297/2015. Both the petition and the appeal were dismissed with orders passed adverse to the petitioners herein. Thereafter, the 2nd respondent herein/defacto complainant had filed a petition to deposit the monthly rent into the Court. When these litigations were pending, the 2nd respondent herein/defacto complainant had given a complaint that the petitioners had trespassed



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into his tenanted portion and had taken away certain things. The prosecution rests its case on the statement made by the 2nd respondent herein/defacto complainant. There are also two other witnesses, viz., L.W.3 and L.W.4, who claim that they also had knowledge about the incident.

- (3) But, it transpires that the 2nd respondent herein/defacto complainant had died on 04.06.2021 and the Death Certificate in that regard, had also been forwarded by the learned Additional Public Prosecutor appearing for the 1st respondent. Similarly, L.W.3 and L.W.4 had also died on 04.05.2021 and 06.03.2016 respectively. The prosecution would never be able to establish the case of the 2nd respondent herein/defacto complainant. When the possibility of conviction is remote, it would only be appropriate that the Court steps in and puts an end to further proceedings.
- (4) Accordingly, the present Criminal Original Petition stands allowed quashing the proceedings in C.C.No.832/2010, now pending on the file of VII Metropolitan Magistrate, George Town, Chennai. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police
(Law and Order)
B2, Esplanade Police Station,
Chennai - 600 104.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Veeraraghavan, Advocate, S.R.No.50565

CrI.OP.No.17923/2016

SSI(CO)

RGA(12/10/2021)