



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.1043 of 2018

M.R.Sheik Abdul Rahim

...Petitioner

Vs.

1.The Inspector of Police,
D-2, Anna Salai Police Station, Chennai - 600 002.

2.J.M.A.Sheik Abdul Kadher
S/o.Abdul Jabbar
Secretary Koothanallur Periya Pallivasal
Administrative Committee, Koothanallur Taluk,
Thiruvarur District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in respect of the FIR registered in Crime No.1299 of 2017 pending on the file of the first respondent and quash the same.

For Petitioner :Mr.S.Thiruvengadam

For R1 :Mr.C.E.Pratap

Government Advocate (Crl.Side.)

ORDER

(The Case has been heard through Video Conference)

This Criminal Original Petition has been filed for a direction to call for the records in respect of the FIR registered in Crime No.1299 of 2017 pending on the file of the first respondent and quash the same.

2.The learned counsel appearing for the the petitioner would submit that the matter appears to be civil in nature and no ingredients for the commission of offence under Sections 448 and 420 have been made out as against the petitioner herein. He would further submit that the petitioner is a statutory tenant and he is in lawful occupation of the premises and therefore no case of cheating or criminal misappropriation would arise. He would further submit that a lease agreement was executed in favour of the petitioner and only in order to evict the petitioner, the 2nd respondent has lodged a false complaint



giving criminal colour to the civil dispute. Therefore, the learned counsel prays for quashing of the proceedings.

3. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Criminal Side) appearing for the 1st respondent and perused the materials available on record.

4. The learned Government Advocate (Criminal Side) would submit that the investigation might have been completed and if any cognizable offence is made out, the 1st respondent police would follow the procedure contemplated in the Code of Criminal Procedure.

5. In fact, this Court vide order dated 12.01.2018 granted interim stay of all further investigation in Crime No.1299 of 2017. Considering the facts and circumstances and the submissions now made by both sides, this Court directs the 1st respondent to complete the investigation and file a report within the period of four weeks from the date of receipt of copy of this order.

6. With the above observation, this Criminal Original Petition is disposed of .

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

gbi
To

1. The Inspector of Police,
D-2, Anna Salai Police Station,
Chennai - 600 002.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.1043 of 2018

PCH(CO)
SP(20/07/2021)