



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl. O.P. No. 22684 of 2017  
and  
Crl.M.P.No.13225 of 2017

1.D.Venkataraman  
2.Kalaivani

. . . Petitioners / Accused

Versus

1.State Rep by  
Sub Inspector of Police,  
B-2, Esplanade Police Station,  
Chennai.

. . . Respondent / Complainant

2.M.Aarumugam

. . . Respondent / Defacto  
Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the proceedings in Crime.No.804 of 2014 of the first respondent Police, and quash the same.

For Petitioners : Mr.Durai Kannan  
For Respondents : Mr.R.Kishore Kumar  
Govt Advocate (Crl Side) for R1  
: No appearance for R2

ORDER

This Criminal Original Petition has been filed to quash the criminal proceedings in Crime.No.804 of 2014 of the first respondent Police against the accused for the offence under Sections 406, 420 r/w 34 IPC and 120B IPC.

2. No representation for the de facto complainant.

3. The learned counsel appearing for the petitioners submitted that the complaint has been filed allegedly by the advocate who was engaged into service by the present petitioner. Only in order to grab the properties of this petitioner, this complaint has been filed and FIR came to be lodged. Further, the Civil suit filed by the de-facto complainant is also ended in



compromise in O.S.No.5849 of 2014 on the file of V Assistant Judge, City Civil Court, Chennai, wherein the de-facto complainant is agreed to withdraw the complaint and all other proceedings and the suit was disposed of in terms of the compromise. A copy of the same is also before this Court.

4. The very allegation in the First Information Report itself would indicate that as if the petitioners have engaged an advocate to evict the tenants illegally for which the Advocate who offered a sum of Rs.10,00,000/- as compensation, besides the advocate has also arranged Rs.50,00,000/- loan for that purpose. The petitioners appears to have executed the Power of Attorney and thereafter they cancelled the Power of Attorney is the crux of the allegation. The very allegation in the entire complaint and the First Information Report indicate that First Information Report is nothing but a motivated one. Being a member of the legal profession, his service is required only in the Court of Law and Tribunals, not to act as any Goonda to evict the tenants. For such exercise, claiming compensation and getting the Power of Attorney, is against the professional ethics. At any event, as the compromise has already reached as between the parties, this Court is of the view that continuance of First Information report, is nothing but an abuse of process of law. Hence, the criminal proceedings in Crime.No.804 of 2014 of the first respondent Police against the accused for the offence under Sections 406, 420 r/w 34 IPC and 120B IPC, is quashed.

5. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

psa/asr

To

1. The Sub Inspector of Police,  
B-2, Esplanade Police Station,  
Chennai.

2. The Public Prosecutor,  
High Court, Madras.

Cr1. O.P. No. 22684 of 2017

SVI[co]  
NSK 23/12/2021