



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.Nos.2882 & 2886 of 2022
and
CrI.M.P.Nos.1312 & 1313 of 2022

1.A.Manimekalai

2.A.Saravana Prakash ... Petitioners in the both the cases

-Vs-

1.State by
Inspector of Police
Sathyamangalam Police Station,
Erode.

2.Gomathi ... Respondents in both the cases

Common Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in Cr.Nos.319 and 218 of 2019 respectively pending on the file of Inspector of Police, Sathyamangalam Police Station, Erode and quash the same.

For Petitioners : Mr.V.Meenakshisundaram
in both cases for Mr.AR.Balaji

For Respondents: Mr.A.Gokulakrishnan
in both cases Additional Public Prosecutor

COMMON ORDER

(This case has been heard through video conference)

Both the Criminal Original Petition have been filed to call for the records in Cr.No.319 and 218 of 2019 respectively pending on the file of Inspector of Police, Sathyamangalam Police Station, Erode and quash the same.

2. The learned counsel for the petitioners would submit that it is a dispute with regard to a property, the petitioners are in possession. The second respondent had filed a suit for declaration and recovery of possession in OS.No.27 of 2019 on the file of the III Additional District and Sessions Judge,



Erode, the trial Court had decreed the suit. Against which the petitioners have filed AS.No.9 of 2021 and this Court had granted interim stay in respect of Clause II of the decree. While so, the second respondent in order to evict the petitioners by force, with the help of the first respondent had preferred a false complaint which is an abuse of process of law and he would hereby seeks to quash the proceedings.

3. The learned Additional Public Prosecutor submitted that if the petitioners furnishes the copies of the documents, the investigation will be fairly conducted and the final report will be filed.

4. Taking into consideration the above facts, at this stage this Court is not inclined to quash the proceedings.

5. Accordingly, both the Criminal Original Petitions are dismissed, with a direction to the 1st respondent to complete the investigation by taking into consideration the documents filed by the petitioners and to file a final report as expeditiously as possible preferably within a period of two(2) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

nr/tsh

To

1. Inspector of Police
Sathyamangalam Police Station,
Erode.

2. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.S.Mohamed Uduman, Advocate SR.No.8488

Crl.O.P.Nos.2882 & 2886 of 2022
and
Crl.M.P.Nos.1312 & 1313 of 2022

KV(CO)
GMY(18/02/2022)