



WEB COPY

CrI.O.P No.7109 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P. No.7109 of 2021
and CrI.M.P. No.4725 of 2021

Laavanya

... Petitioner

Vs.

1. State rep. by
The Inspector of Police,
Thiruthani Police Station,
Thiruvallur District.

2. Okkar Yunis Mohamed

... Respondents

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to Cr.No.2757 of 2020 on the file of the respondent police and quash the same.

For Petitioner : Mr. V.Manohar

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

This Criminal Original Petition has been preferred, to call for the records pertaining to Cr.No.2757 of 2020 on the file of the respondent police and quash the same.

2. The case of the prosecution is that on 27.10.2020 at about 05.00 p.m. when the second respondent went and locked the hotel premises belonging to his friend, one Munikannaiah and his daughter, the petitioner herein, came and shouted and threatened them with dire consequences. On the basis of the above allegation, a case has been registered in Cr. No.2757 of 2020 for the offences under Section 294(b) and 506(1) IPC.

3. The learned counsel for the petitioner submitted that the petitioner and her father Munikanniah were residing in the house belonging to them and the second respondent and others had attempted to illegally dispossess them from the property and in this connection a complaint was given by the petitioner's father on 26.10.2020; only in order to escape from the clutches of law, the present complaint has been given by the second respondent as a counterblast.

4. The records would show that on a earlier complaint given by the petitioner's father Munikanniah, he and his daughter were threatened by some rowdy elements that they should vacate the property. The said complaint was



treated as petition enquiry in C.S.R. No.1397 of 2020. On the subsequent complaint, FIR has been registered. Though an elaborate complaint has been given by the father, no appropriate action has been taken except by giving a C.S.R. number.

5. On a perusal of the allegations in both the complaints, it would only show that there is some civil dispute in respect of house where the petitioner's family is residing. There is a possibility that the subsequent complaint has been given by the second respondent on 27.10.2020 as a counterblast to the earlier complaint given by the petitioner's father. Since the materials available on record does not make out a *prima facie* case, I feel that the case is not well grounded. In view of the above stated reasons, I feel that the FIR is liable to be quashed.

6. Accordingly, the Criminal Original Petition is allowed and the FIR in Cr. No.2757 of 2020 on the file of the first respondent is hereby quashed. Consequently, connected miscellaneous petition is closed.

16.09.2022

Index : Yes/No
Speaking Order : Yes / No
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To

1. The Inspector of Police,
Thiruthani Police Station,
Thiruvallur District
2. The Public Prosecutor
High Court of Madras.

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R.N.MANJULA, J.,

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