

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Cr1.O.P. No.8702 of 2022

1. M.Eswara Narayanan	... I Petitioner/Accused I
2. A.K.Raman	... II Petitioner/Accused II
3. U.Hemant Surana	... III Petitioner/Accused III

Vs.

1. State represented by The Assistant Commissioner of Police,
MKB Nagar Range, Chennai.
[Crime No.7 of 2022
Vyasarpadi Police Station]

2. The Inspector of Police, ,
Vyasarpadi Police Station.
Chennai.
[Crime No.7 of 2022]

3. R.Gomathi ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.7 of 2022 dated 03.01.2022 pending on the file of the second respondent against the petitioners and quash the same.

For Petitioners:Mr.A.Suresh Sakthi Murugan

For Respondents:Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)-R1 & R2

Ms.Ezhil Caroli - R3

O R D E R

This petition has been filed seeking to quash the First Information Report registered in Crime No.7 of 2022 pending investigation on the file of the first respondent for the offence under sections 3 [1] [r] and 3 [1] [v] of Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act 1989.

2. The crux of the allegation in the First Information Report is that the petitioners agreed to sell the land and

received a sum of Rs.10 lakhs from the defacto complainant in an oral agreement reached between them. However, after 15 days of receipt of the amount, the amount has been sent back to the defacto complainant. Thereafter, she has also filed a suit in O.S.No.7640 of 2021. Further allegation is that when the defacto complainant questioned about the act of the petitioners, the petitioners abused the defacto complainant with the caste name. Thereby, the First Information Report has been has been registered.

3. The learned counsel appearing for the petitioners, submitted that since the petitioners did not agree for the sale of the property and only in order to coerce them to sell the property, the present complaint has been preferred by the defacto complainant. It is his further contention that a suit has also been filed in this regard for bare injunction. Further, there are no materials whatsoever with regard to above allegations. Whereas, this complaint has been given only on 03.01.2012 pressing certain allegations and this complaint is nothing but motivated and only to compel the petitioners to sell the property.

4. The learned counsel appearing for the defacto complainant submitted that she was subjected to cruelty on the ground of caste and there are independent witnesses also available for the occurrence and the First Information Report cannot be quashed at this stage.

5. Heard the learned counsel appearing for the petitioners and learned Government Advocate [Criminal Advocate] appearing for the first respondent and the learned counsel appearing for the defacto complainant.

6. Normally, when there are prima facie allegations which require investigation, Courts will not interfere with the First Information Report. At the same time, if the First Information Report itself is motivated and the same has been filed to coerce the other person in a civil transaction, the Court can very well interfere and exercise its jurisdiction under section 482 of Cr.P.C. From the curx of the allegations in the First Information Report, it is seen that there was dispute between the parties with regard to sale of a property which resulted in filing of a suit in O.S.No.7640 of 2021 on the file of the XIX Assistant City Civil Court, Chennai. This Court also perused the plaint filed in the above suit. Admittedly, in the above document, namely in the plaint, there is no whisper, whatsoever with regard to the allegations found in the First Information Report. The First Information Report has been filed after

filing of the suit. That itself clearly indicate that the allegations are pressed into service for filing criminal proceedings and it is motivated to wreck vengeance and the same cannot be allowed to continue.

7. The further allegations in the First Information Report even taken as a face value except contending that the accused have refused to sell the property on the ground of caste, no other allegations are pressed into service. Hence, this Court is of the view that the same is not sufficient to proceed against the accused. In such view of the matter, the First Information Report against the petitioner has to be quashed.

8. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.7 of 2022 pending on the file of the first respondent is hereby quashed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

vrc

To

- 1.The Assistant Commissioner of Police,
MKB Nagar Range, Chennai.
2. The Inspector of Police, ,
Vyasarpadi Police Station.
Chennai.
3. The Public Prosecutor,
High Court of Madras.

Copy To

The XIX Assistant Judge,
City Civil Court, Chennai.

+2ccs to Mr.A.Suresh Sakthi Murugan, Advocate SR.No.44101

+1cc to Ms.Ezhil Caroli, Advocate SR.No.45036

Cr1.O.P. No.8702 of 2022

MG(CO)

GMV(22/07/2022)