



Crl.O.P.No.16992 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.16992 of 2019

and

Crl.M.P.No.8545 of 2019

1.Madanlal D.Chawla
2.Sanjay Chawla
3.shantilal Rathore

... Petitioners

Vs.

1.State Rep.by
The Inspector of Police,
Central Crime Branch,
Salem District.

2.S.Babu

... Respondents

Prayer:- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records and quash the FIR in Crime No.1 of 2015, pending on the file of the 1st respondent police.

For Petitioners	: No appearance
For R1	: Mr.N.S.Suganthan Government Advocate (Crl.Side)
For R2	: Unserved notice



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ORDER

There is no representation for the petitioner.

2. However, perusal of the grounds upon which the petition to quash the criminal complaint indicates that the property disputed in this petition is already agitated by filing a civil Suit and the same was dismissed on 08.06.2016. For the similar set of facts, complaint has been filed before the Sooramangalam Police Station in Crime No.512 of 2010 and the same is pending. While so, the present complaint with improvised allegations is not maintainable.

3. It is also stated that the 3rd petitioner herein has preferred a complaint against the *de facto* complainant and the same is pending in Crime No.1 of 2019. In the petition to quash, certain facts are stated and alleged that those facts were suppressed in the complaint. If it is so, it is always open to the petitioner to participate in the investigation and convince the Investigating Officer and if there is no cognizable offence is made out then a proper report will be filed by the Investigating Officer.



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4. With the above observation, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed. The 1st respondent is directed to summon the petitioner and record their statement and complete the statement by taking note of the averments made in this quash petition and file a final report in accordance with law.

01.11.2022

rpl

Index: Yes/No

Speaking Order/Non Speaking Order

To

1.The Inspector of Police,
Central Crime Branch,
Salem District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

rpl

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