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CRL.O.P.No.22339 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl. O.P. No.22339 of 2021

P.Mani

.. Petitioner/Accused No.2

Versus

1. The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai 600 045.

2. Santhosh Barbade

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.759 of 2021 on the file of the 1st respondent police and quash the same as against the petitioner.

For Petitioner : Ms.P.Sri Harini for
M/S.Manoharan Shanmuga Sundaram
Servai Adithya Reddy.

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1
: Mr.K.M.Mohamed Ziauddin for R2



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ORDER

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This Criminal Original Petition has been filed to call for the records relating to Crime No.759 of 2021 on the file of the first respondent/the Inspector of Police, S-11, Tambaram Police Station, Tambaram, Chennai 600 045 and quash the same as illegal.

2.Heard the submissions made by the learned counsel on either side and perused the materials available on record.

3.The learned counsel for the petitioner submitted that the petitioner and the second respondent had business dealings between themselves and in which, they had some disputes and the present complaint has been exaggerated and a criminal colour has been given to a matter which is civil in nature.

4. The learned counsel for the second respondent submitted that the First Information Report cannot be an encyclopedia information and there are sufficient allegations made in order to make out a case that was registered by



the first respondent police.

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5. On perusal of the First Information Report, it is seen that there are certain allegations which are predominantly civil in nature and with regard to business transactions. However the second respondent has stated that with regard to the money transaction and connected allegations of cheating etc., he had initiated some other criminal proceedings. Now this matter is with regard to the FIR registered for the offences under Sections 341, 294(b) and 506(ii) IPC. In the complaint given by the second respondent the following allegations have been made:

“12....The above said Mani and his brother Murugan threatened me with dire consequences and abused me filthy languages afraid of my life I went away. Again on 22.08.2021 I went to Mani's shop at that time the above said Mani and his brother along with their henchmen threatened me showing iron rod and knife and said that if you come again to my shop you will be butchered and your body will be thrown into the sea.”

6. The learned Additional Public Prosecutor appearing for the first respondent police submitted that the investigation is still pending.



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offence. Though the details of the entire occurrence have not been given, there are prima facie allegations made in order to make out the offences.

During the course of the investigation the first respondent police is always at liberty to alter the charges in accordance with materials obtained by him.

Since the fundamental facts have been stated about the threat and the words uttered in this regard by the complainant, I feel investigation should be allowed to go on.

In view of the above reason, this Criminal Original Petition is dismissed.

31.10.2022

Index: Yes/No
jrs



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To:

1. The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai 600 045.
2. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

jrs

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