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Crl.O.P No.21415 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **08.12.2022**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.21415 of 2019
and Crl.M.P.No.11072 of 2019

1. Pramila Jain
2. Devendra Kumar @ Devender ... Petitioners

Vs.

1. State Rep. by
Inspector of Police,
E-2, Elephant Gate Police Station,
Chennai.
Cr. No.418/2019

2. Lalith Kumar ... Respondents

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Cr. No.418/2019 dated 27.07.2019 on the file of the first respondent police.

For Petitioners : Mr.N.Baskaran

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



ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records in Cr. No.418/2019 dated 27.07.2019 on the file of the first respondent police.

2. The first petitioner / first accused is the landlord of the premises where he is running a shop by name 'Prakash Gold Palace Pvt. Ltd.' and the second petitioner / second accused is the Manager of the said shop. The second respondent / *de facto* complainant is the tenant in the said premises where he is running his business in the name and style of 'Jothi Art Jewellers'.

3. A case has been registered in Cr. No.418 of 2019 for the offence under Section 341, 448 & 268 IPC, on the allegation that the toilet which is meant for the use of tenants of the premises was closed by the second petitioner.

4. The learned counsel for the petitioners submitted that due to heavy water scarcity, the toilet could not be made operational and hence it was



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closed; the second respondent had exaggerated the landlord – tenant dispute and filed criminal complaint; there is no material available to make out any offences for which the First Information Report has been registered; hence FIR has to be quashed.

5. On perusal of the FIR it is seen that there is no other allegation except that the toilet in the premises was closed. It is strange to note that on these allegation a criminal case has been registered. There is no basic ingredients to make out the offence for which FIR has been registered for the offence under Section 341, 448 & 268 IPC. Hence, I feel it is a fit case where the powers of this Court under Section 482 Cr.P.C. can be exercised to quash the FIR.

6. Accordingly, this Criminal Original Petition is allowed and the First Information Report in Cr. No.418/2019 on the file of the first respondent is quashed. Consequently, connected miscellaneous petition is closed.

08.12.2022

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,

bkn

To:

1. The Inspector of Police,
E-2, Elephant Gate Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

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