



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.01.2022

Coram:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.25875 of 2017

and

Crl.M.P.No.14921 of 2017

1.Dhanraj Kocher

... Petitioner/Accused-1

/versus/

State Rep.by it's:

1.The Inspector of Police,
Maduravoyal Police Station,
Maduravoyal,
Chennai.

... Respondent-1/Complainant

2.D.Ganesan

...Respondent-2/De-facto Complainant

This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for all the records and quash all the proceedings in Crime No.1503 of 2017 now pending investigation on the file of the 1st respondent.

For Petitioner :Mr.S.Shankar

For Respondents:Mr.S.Vinoth Kumar

Govt.Advocate (Crl.Side) for R1

No appearance for R2

O R D E R

(This case has been heard through Video Conferencing)

This Criminal Original Petition has been filed to quash the First Information Report filed for the alleged offences under Sections 323, 294(b), 448, 506(2) of IPC.

2.The crux of the allegation in the First Information Report is that, the landlord has abused the de-facto complainant, caused simple injury and also threatened to vacate the premises on 29.07.2017.



3.The contention of the learned counsel appearing for the petitioner is that, the First Information Report is nothing but an abuse of process of law and in order to stall the eviction proceeding initiated by the landlord, the criminal prosecution has been launched by the tenant/de-facto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the 1st respondent stated that only in the landlord and tenant dispute, the First Information Report came to be filed and went to the Court and the initiation of the prosecution is the result of the civil dispute and stall the eviction proceedings. The Court can quash the criminal proceedings as an abuse of process of law.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(crl.side) appearing for the 1st respondent.

6.Admittedly, the materials placed before this Court indicate that the de-facto complainant filed a suit, based on certain fraudulent documents. The said suit was rejected at the instance of the accused. Thereafter, the First Information Report came to be filed at the belated stage. The same clearly indicates that, mere impact of making allegation and giving a colour of criminality, one can not take advantage in the criminal prosecution.

7.In such view of the matter, this Court is inclined to quash the First Information Report. Accordingly, the First Information Report in Crime No.1503 of 2017 pending on the file of the first respondent is quashed.

8.In the result, the Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



ari

To

1.The Inspector of Police,
Maduravoyal Police Station,
Maduravoyal, Chennai.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.25875 of 2017
and
Crl.M.P.No.14921 of 2017

srg 10/02/2022