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Crl.O.P.No.2580 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2580 of 2023

1.M.Ramesh

2.I.Josephus Othaniel @ Joseph ... Petitioners

Vs.

1.The State Represented by
Inspector of Police, Crime
H-3, Tondiarpet.
(Cr.No.35/2020)

2.S.Madasamy ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to quash the First Information Report in Crime No.35 of 2020, pending on the file of the respondent police.

For Petitioners : Mr.S.Naveenha Devi

For Respondent : Mr.S.Santhosh
No.1 Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to quash the First Information Report in Crime No.35 of 2020, pending on the file of the respondent police.



Crl.O.P.No.2580 of 2023

2.The learned counsel for the petitioners submitted that the allegations against the petitioners that petitioners cheated the second respondent/defacto complainant stating that they are Sanitary Inspectors from Chennai Corporation and they received Rs.1,500/- from the second respondent/defacto complainant for using the domestic cylinder for commercial purpose are absolutely false. Petitioners just told the second respondent/defacto complainant that the use of domestic cylinder for commercial use would attract penal punishment from Corporation authorities. Therefore, the learned counsel for the petitioners prays for quashing of the complaint.

3.The learned Government Advocate (Crl.Side) submitted that investigation in this case is almost completed. The respondent police will file a final report in this case for the offences under Section 384 r/w 34 IPC. The final report would be filed in due course before the concerned Court.

4.Considered the rival submissions and perused the records.

5.The FIR allegations show that the second respondent/defacto complainant is running a Tea Stall in the name of 'Sasikala Tea Stall'. On



Crl.O.P.No.2580 of 2023

20.01.2020, he used a domestic gas cylinder for the reason that the commercial cylinder got emptied. At about 4 p.m., the accused came in two wheeler bearing No.TN 05 BQ 2071 and introduced them to her as Sanitary Inspectors of Chennai Corporation. Then, they stated that use of domestic cylinder for commercial use is illegal and they are going to take action against him. They also informed the second respondent/defacto complainant that he has to pay fine. The second respondent/defacto complainant pleaded them not to impose fine, then they insisted to pay Rs.1,500/-. The second respondent/defacto complainant paid them Rs.1,500/-. Later, he found from the enquiry that the accused are not the Sanitary Inspectors of Chennai Corporation and they are Ramesh from Vysarpadi and Joseph from Tiruvallur. Therefore, he gave the complaint.

6.The FIR allegations clearly make out cognizable offences against the petitioners. Now, it is reported that investigation in this case is almost completed and final report would be filed for the offences under Section 384 r/w 34 IPC.



Crl.O.P.No.2580 of 2023

7.In this view of the matter, this Court is not inclined to quash the criminal complaint in FIR No.35 of 2020 and therefore, this Criminal Original Petition is dismissed.

08.02.2023

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1.The Inspector of Police, Crime
H-3, Tondiarpet.
(Cr.No.35/2020)

2.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.2580 of 2023

G.CHANDRASEKHARAN, J.
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Crl.O.P. No.2580 of 2023

08.02.2023