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Crl.OP.No.3400 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3400 of 2023

J.Mahesh

... Petitioner

Vs.

1.The Sub Inspector of Police,
D3, Ice House Police Station,
Chennai – 600 005.
(Crime No.496 of 2022)

2.A.Shankar

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime Number 496 of 2022 dated 29.12.2022 registered under Sections 341, 384 and 506 (i) I.P.C. on the file of the 1st respondent, the Sub Inspector of Police, D3 Ice house Police Station, Chennai – 600 005 and quash the same.

For Petitioner	: Mr.P.Ayyaswamy
For Respondents	: Mr.S.Santhosh (For R1)
	Government Advocate(Crl.side)
For R2	: No appearance



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ORDER

This Criminal Original Petition has been filed to call for the records in Crime Number 496 of 2022 dated 29.12.2022 registered under Sections 341, 384 and 506 (I) I.P.C. on the file of the 1st respondent, the Sub Inspector of Police, D3 Ice house Police Station, Chennai – 600 005 and quash the same.

2.The learned counsel for the petitioner submitted that as per the First Information Report allegations the offences of extortion taken place on 25.02.2022 and 05.04.2022, however the complaint was given very late and registered in Crime No.496 of 2022 only on 29.12.2022. There is a huge delay in giving the complaint. The First Information Report allegations would not make out any cognizable offence against the petitioner and therefore, learned counsel for the petitioner prayed for quashing of the complaint.

3.In response, the learned Advocate (Criminal side) submitted that First Information Report allegations clearly make out cognizable offence against the



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petitioner and the investigation in this case is pending.

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4.Considered the rival submissions and perused the records.

5.The First Information Report allegations show that defacto-complainant is running a business in his house and also leasing power tools and steps. In February 2022, one J.Magesh claiming himself as District Vice President of Hindu Makkal Katchi, came to defacto-complainant and told him that he is occupying a temple land and therefore received a sum of Rs.5000/- on 25.02.2022 and Rs.10,000/- on 05.04.2022 under threat. Thereafter, when the defacto-complainant gone out in connection with his work, petitioner waylaid him and frequently threatening him demanding bribe. If he fails to pay the bribe, petitioner made death threat using the documents of the defacto-complainant.

6.The complaint allegations clearly make out cognizable offence against the petitioner. We cannot at this stage go into the truth or falsity of the



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allegations made in the complaint. The offence against the petitioner had been committed not only on 25.02.2022 and 05.04.2022, but on subsequent dates as well. Therefore, the claim of the petitioner that there is a delay in giving complaint, cannot be accepted at this stage. This Court finds there is no merits in the petition for quashing the complaint in Crime Number.No.496 of 2022 on the file of the first respondent .

7.Accordingly, this Criminal Original Petition is dismissed.

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Index : Yes / No
Speaking / Non Speaking order
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To

- 1.The Sub Inspector of Police,
D3, Ice House Police Station,
Chennai – 600 005.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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