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Crl.OP.No.5954 of 2021

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.5954 of 2021

and

Crl.MP.No.3849 of 2021

1.S.Chandrasekar

2.C.Smriti

... Petitioners

Vs.

1.The State

Rep. By the Inspector of Police,  
Annur Police Station,  
Coimbatore

2.Komal

... Respondents

**PRAYER:**

Criminal original petition is filed under Section 482 of Cr.P.C. to call for the records in crime No.1480 of 2020 dated 09.09.2020 in Annur Police Station, Coimbatore registered against these petitioners herein for the alleged occurrence dated 03.09.2020 for the alleged offences registered under Sections 427, 447 and 506(1) of IPC.

For Petitioners

: Mr.R.Venkatesulu



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For Respondents

For R1

: Mr.A.Gopinath,  
Government Advocate(crl.side)

For R2

: Mr.S.Sivashanmugam

### **ORDER**

This Criminal Original Petition has been filed to quash the proceedings in crime No.1480 of 2020 dated 09.09.2020 registered for the offences under Sections 427, 447 and 506(1) of IPC as against the petitioners.

2. The case of the prosecution is that on 03.09.2020, when the second respondent was not present in her shop, the petitioners came there, destroyed CCTV and also threatened the person who was in charge of the shop. For the said occurrence, the second respondent lodged complaint on 09.09.2020.

3. The learned Government Advocate(crl.side) appearing for the first respondent / police submitted that after completing investigation in crime No.1480 of 2020, final report was filed on 15.12.2020 before the learned Judicial Magistrate, Mettupalayam.

4. Heard, the learned counsel appearing on either side.



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5. Admittedly the first petitioner and the second respondent are husband and wife. The second petitioner is their own daughter. There is absolutely no explanation for the belated complaint. That apart, even according to the second respondent, when she was not in the shop and her staff was alone available in the shop(way bridge), they entered into the shop. However, there is no proof to show that the said shop stands in the name of the second respondent. That apart, all the allegations are very trivial in nature. Though the first respondent completed investigation and filed final report, there is no ingredients available to attract the offences under Sections 427, 447 and 506(1) of IPC as against the petitioners.

6. The provision under Section 482 of Cr.P.C. says that it does not restrict the exercise of powers of the court to prevent the abuse of process of a court or miscarriage of justice only to the stage of FIR. This Court can very well exercise its jurisdiction under Section 482 of Cr.P.C. even after filing the final report. Therefore, the FIR and its subsequent proceedings cannot be sustained as against the petitioners and it is liable to be quashed. Accordingly, the entire proceedings in crime No.1480 of 2020 on the file of the first respondent / police is quashed and this criminal original petition is allowed. Consequently,



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connected miscellaneous petition is closed.

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Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order  
lok

To



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1. Inspector of Police,  
Annur Police Station,  
Coimbatore
2. The Government Advocate,  
High Court of Madras

**G.K.ILANTHIRAIYAN, J.**

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