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CrI.O.P.No.6711 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.03.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.6711 of 2023

and

CrI.M.P.No.4224 of 2023

1. G.Jagdish

2. J.Mohanavalli

...Petitioners

Vs.

1. State Represented by

The Inspector of Police,
G5-Secretariat Colony Police Station,
Kilpauk, Chennai-600 010.

2. Reta Elisabeth

(Crime No.342 of 2021)

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records and quash the F.I.R in Crime No.342 of 2021, dated 22.11.2021, on the file of the 1st Respondent/Complainant against the Petitioners/Accused A1 and A2.

For Petitioners : Mr.V.Ramanareddy

For R1 : Mr.S.Santhosh

Government Advocate (Criminal side)

ORDER



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This Criminal Original Petition has been filed calling for the records and to quash the F.I.R in Crime No.342 of 2021, dated 22.11.2021, on the file of the first respondent/complainant against the Petitioners/Accused A1 and A2.

2. It is the submission of the learned counsel for the petitioners that the first petitioner's mother is the owner of the property bearing No.45, Sandhiyappan first Street, Otteri, Chennai. The first petitioner and his wife second petitioner are residing in this property. In order to evict the petitioners, the first petitioner's mother one Malliga used the defacto complainant to give this false complaint. On the basis of the false complaint, FIR in Crime No.342 of 2021 for the offences under Sections 454, 380 and 506(1) of IPC was registered and it is pending.

3. In response, the learned Government Advocate (Criminal side) submitted that the facts projected by the learned counsel for the petitioner are not true. Malliga leased the premises to the defacto complainant after



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receiving a sum of Rs.5,00,000/-. On 16.11.2021, defacto complainant went to her mother's house. When she returned back on 19.11.2021, she found that the lock had been broken and the petitioners had criminally trespassed into the house and committed theft of the articles. The investigation in this case is pending and will be completed soon.

4. Considered the rival submissions and perused the records.

5. The FIR allegations show that the defacto complainant took lease of the premises bearing No.45, Sandhiyappan first Street, Otteri, Chennai, on paying a sum of Rs.5,00,000/- to the owner Malliga on 18.05.2020. Since the defacto complainant's mother Sarojini aged about 82 years was not well, she went to see her mother on 16.11.2021 after locking her house. When she returned on 19.11.2021, at about 10.30 a.m, she found that the lock was broken and the petitioners were inside the house. When she asked them how did they enter the house, they scolded her in filthy language and made death threat. They had also taken the articles from the house. The FIR allegations



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clearly make out commission of cognizable offences by the petitioners. The case projected by the petitioners cannot be considered now. It is for the Investigation Officer to take into consideration the facts projected by the petitioners and file appropriate final report.

6. Therefore, this Court finds no merits in the prayer for quashing of the FIR in Crime No.342 of 2021, dated 22.11.2021. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

27.03.2023

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Index:Yes/No
Speaking Order: Yes/No

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1. The Inspector of Police,
G5-Secretariat Colony Police Station,
Kilpauk, Chennai-600 010.
2. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN.J.,



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