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CrI.O.P.No.8840 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.8840 of 2023

and

CrI.M.P.No.5663 of 2023

M.Surendran

...Petitioner

Vs.

1.The Inspector of Police,
E4 Police Station,
Abhiramapuram Police Station,
R.A. Puram, Chennai – 600 028.

2.Archana Ravindran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records and to quash the FIR No.59 of 2023 before the Inspector of Police, E4 Police Station, Abhiramapuram Police Station, R.A.Puram, Chennai – 600 028.

For Petitioner : Mr.S.Sivaraman

For R1 : Mr.S.Santhosh
Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition is filed to call for the records and to quash the FIR No.59 of 2023 before the Inspector of Police, E4 Police Station, Abhiramapuram Police Station, R.A.Puram, Chennai – 600 028.

2. Learned counsel for the petitioner submitted that, petitioner and his family members are shown as accused in Crime No.59 of 2023 registered for the offences under Sections 427 of IPC. It is the submission of the learned counsel for the petitioner that, defacto complainant filed a Suit in O.S.No.5346 of 2022 against the petitioner and others seeking partition and and for separate possession of the property belonging to petitioner's father. In the said Suit, she gave a different address from the address concerned with the Crime No.59 of 2023. Petitioner is a senior citizen. On the basis of the false case given by the defacto complainant, he is unnecessarily harassed by the respondent police.

3. In response, learned Government Advocate (Criminal side) submitted that, First Information Report was registered only on 22.02.2023. Investigation in this case is in preliminary stage.



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4. Considered the submissions and perused the records.

5. The reading of the First Information Report allegations reveals that, defacto complainant's mother Vijayakumari was a retired Chief Accounts Officer of Highway Department. She is residing in the address mentioned in the complaint for more than 35 years. Her father died in the year 2022 and for change of mind, defacto complainant's mother is residing with the defacto complainant and her brother. The CCTV camera was installed in their house for security purpose, for the reason that, the house is situated in the dead end of the street. The defacto complainant's mother and her father were living in the ground floor and her father's brother is living in the 1st floor. After the demise of the defacto complainant's father, with a malafide intention to grab the house, the accused damaged CCTV camera. A complaint was given in this regard to the police on 09.01.2023. On the direction of the police, another CCTV camera was installed. Again that was broken by the accused. Therefore, this petition.



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6. The First Information Report allegations clearly make out commission of cognizable offence by the petitioner. The First Information Report was registered only on 22.02.2023 and investigation in this case is in preliminary stage. At this stage, this Court cannot interfere with the investigation. Therefore, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

24.04.2023

Internet :Yes

Index :Yes/No

gd

To:

1.The Inspector of Police,
E4 Police Station,
Abhiramapuram Police Station,
R.A. Puram, Chennai – 600 028.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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