



WEB COPY



Crl.OP.No.16070 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16070 of 2023

and

Crl.M.P.No.10092 of 2023

1. R.Saravanan
S/o.Ramasamy

2. S.Poovalingam
S/o.Sethuraman

3. L.Ravi @ Ravikumaran
S/o.Lakshmanan

4. S.S.Vasan
S/o. Soundarajan

... Petitioners

Vs.

1. The State Rep. by
Inspector of Police,
D-2, Anna Salai Police Station,
Chennai.

2. Mr.Sathyamoorthy

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to quash the FIR pending investigation in D-2, Anna Salai Police Station in Crime No.1300 of 2017 on the file of the first respondent police as null.



Crl.OP.No.16070 of 2023

For Petitioners : Mr.P.Prince Premkumar
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.1300 of 2017 on the file of first respondent.

2. The second respondent, who is the owner of the property gave a complaint against the petitioners, who were tenants and based on the same, a First Information Report came to be registered by the first respondent in Crime No.1300 of 2017 for offences u/s.448 and 506(i) IPC.

3. Heard learned counsel for petitioners and learned Additional Public Prosecutor appearing for first respondent.

4. The offence u/s.448 IPC is punishable with maximum imprisonment of one year and the offence u/s.506(i) IPC is punishable



Crl.OP.No.16070 of 2023

with maximum imprisonment of two years. Admittedly, the investigation is not completed and the final report is yet to be filed. In view of the same, even if the final report is filed, the same cannot be taken cognizance in view of the bar u/s.468 Cr.P.C. Hence, the continuation of investigation against the petitioners will amount to abuse of process of law, which requires the interference of this Court in exercise of its jurisdiction under Section 482 Cr.P.C.

In the light of the above, this Criminal Original Petition is allowed and the proceedings in Crime No.1300 of 2017 on the file of first respondent is quashed. Consequently, connected miscellaneous petition is closed.

19.07.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

1. The Inspector of Police,
D-2, Anna Salai Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

gm

Crl.O.P.No.16070 of 2023

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