



WEB COPY



Criminal Original Petition No.275 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.275 of 2022

and

CrI.M.P.No.101 of 2022

M.Yuvaraj

S/o.Late Muninatharaja

...Petitioner

Vs

1.The Sub-Inspector of Police,
Thirupaalaivanam Police Station,
Ponneri, Thiruvallur District.

2.S.S.Ramakrishnan
S/o.S.R.Shanmugam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to quash the FIR in Crime No.76 of 2018 dated 28.06.2018 on the file of first respondent police.

For Petitioner : Mr.S.Veeraraghavan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]
Mr.Sam Jayaraj Houston
for M/s.Sarvabhauman Associates [R2]

ORDER



This petition has been filed to quash the First Information Report in Crime No.76 of 2018 pending investigation on the file of the first respondent.

2. Heard Mr.S.Veeraraghavan, learned counsel for petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent and Mr.Sam Jayaraj Houston, learned counsel appearing for second respondent.

3. On carefully going through the allegations made in the First Information Report, it is seen that there is a civil dispute between the parties. Two suits were filed by either party against each other. The petitioner filed O.S.No.242 of 2010 against the *de facto* complainant seeking for the relief of permanent injunction. Likewise, the *de facto* complainant filed O.S.No.205 of 2011 seeking for the relief of permanent injunction against the petitioner. These suits were filed before the Sub-Court, Ponneri. The suit filed by the petitioner was dismissed and the suit filed by the *de facto* complainant was decreed. Aggrieved by the same, the petitioner had filed two appeals and both the appeals were dismissed and



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aggrieved by the same, two second appeals were filed before this Court and they are pending in S.A.Nos.205 and 231 of 2022 and this Court has granted an interim order of *status-quo*.

4. In the light of the above development, it is clear that there is a property dispute between both the parties and it does not require an investigation by first respondent and continuation of criminal proceedings will only result in abuse of process of law. Accordingly, the First Information Report in Crime No.76 of 2018 pending investigation on the file of first respondent is hereby quashed. It is left open to the parties to agitate their grievance in the pending second appeals before this Court.

In the result, this Criminal Original Petition is allowed in the above terms. Consequently, connected miscellaneous petition is closed.

03.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

N.ANAND VENKATESH, J



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gm

To

- 1.The Sub-Inspector of Police,
Thirupaalaivanam Police Station,
Ponneri, Thiruvallur District.
- 2.The Public Prosecutor,
High Court, Madras.

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