



Crl.O.P.No.1668 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1668 of 2023

M.G.Dhandapani

...Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Soundarapandiyanar Police Station,
Chennai.

2.M.G.Gopalan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in pertaining to the Crime No.100 of 2022 on the file of first respondent police and quash the same.

For Petitioner : Mr.G.Vijayaakumar

For R-1 : Mr.S.Santhosh
Government Advocate (Criminal side)



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ORDER

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This Criminal Original Petition has been filed to call for the records in pertaining to the Crime No.100 of 2022 on the file of first respondent police and quash the same.

2. Learned counsel for the petitioner submitted that petitioner and defacto complainant are brothers. There are six flats in Door No.25, new No.28, Thyagaraya Giramani Street, T.Nagar. Petitioner owns one flat and defacto complainant owns one flat. Petitioner is no way involved in collection of any amount towards maintenance of flats. Out of the six flats, four flats are owned by private parties. However, 2nd respondent had given a false complaint making allegations that, petitioner collected money from him for maintenance of flats. When the 2nd respondent tried to install CCTV camera, the same was prevented. It is also falsely alleged that petitioner made criminal intimidation against him. Therefore, this petition is filed to quash the First Information Report in Crime No.100 of 2022 on the file of first respondent police.



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3. Learned Government Advocate (Criminal side) submitted that the investigation in this case is pending. Therefore, he prays for dismissal of this case.

4. Considered the submissions and perused the records.

5. It is seen from the First Information Report allegations that, petitioner and 2nd respondent own flats in aforesaid address. The allegations against the petitioner is that, petitioner was collecting maintenance charges from all the flat owners. 2nd respondent is regularly paying the maintenance charges. However, petitioner claimed that 2nd respondent has not paid the maintenance charges and disconnected the electricity and water connection. When the 2nd respondent tried to install CCTV camera, petitioner has not given approval for the same. In this regard, complaint dated 31.08.2019 was given. Petitioner is also not maintaining accounts for the amounts collected towards maintenance charges. Again, in this regard a complaint dated 03.09.2020 was given. Petitioner has also threatened that, if 2nd respondent asked him about the accounts for the maintenance amount



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collected and even if police complaints are given against him, the 2nd respondent cannot do anything against the petitioner and scolded him in filthy language and made death threat.

6. The First Information Report allegations makes out a cognizable offences against the petitioner. Respondent police has to investigate the case and file a final report. Therefore, the prayer for quashment of Crime No.100 of 2022 on the file of first respondent police, cannot be entertained.

7. In this view of the matter, the Criminal Original Petition is dismissed, with a direction to the respondent police to expedite the investigation and final a final report.

30.01.2023

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Index: Yes/No

Speaking Order: Yes/No



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To

WEB COM

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



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G.CHANDRASEKHARAN.J.,

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