



Crl.O.P.(MD)No.4393 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4393 of 2023

and

Crl.M.P(MD) No.3888 of 2023

1. Jayshakaslin

2. Ariyanayagam

... Petitioner/ Accused

Vs.

1.The State, represented by
The Inspector of Police,
Nesamony Nagar,
Kanyakumari District.

... 1st Respondent/Complainant

2. Biju Shiversnigar

... 2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to pass an order calling for records in Crime No.115 of 2022 dated 10.11.2022 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr. Sankar.M

For R1 : Mr. Nambiselvan.B
Additional Public Prosecutor



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ORDER

WEB COPY

This Criminal Original Petition has been filed seeking orders to call for records in Crime No.115 of 2022 dated 10.11.2022 on the file of the 1st respondent Police and quash the same.

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that there is issue between the land lord and tenant. In respect of the above said tenancy issue, the suit in O.S.No.92 of 2022 has been filed before the Principal District Munsif Court, Nagercoil, Kanniyakumari District, which is now pending. Pending the above said suit filed by the defacto complainant, he has filed yet another complaint subsequent to the above said suit on 10.11.2022, stating that at the instigation of the petitioner, some unidentified peron has trespassed his shop and caused damage worth about Rs.5,00,000/-, on that ground, complaint has been lodged against this petitioner. Taking advantage of the civil suit, the defacto complainant has lodged the false complaint against this petitioner.



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3. Whether this petitioner is the reason for the damage caused in the shop of the defacto complainant is the matter for consideration of the Investigation. This is too premature a stage to quash proceedings.

4. Considering the submission made by the learned counsel for the petitioner, the Investigation Officer / 1st respondent is directed to complete the investigation process and file the Final Report before the concerned Court within three months from the date of receipt of copy of this order. If the petitioner is aggrieved by the outcome of the Final Report, he can workout his remedy through appropriate proceedings.

5. With the above direction, this Criminal Original Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed.

08.03.2023

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
Indu		



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G.ILANGO VAN,J.

Indu

To

- 1.The Inspector of Police,
Nesamony Nagar,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.(MD)No.4393 of 2023

Dated: 08.03.2023