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CrI.O.P.No.8092 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.8092 of 2024

and

CrI.M.P.No.5896 of 2024

J.P.Sivakumar

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
C-1, Kattur Police Station,
Coimbatore.

2.R.Balamurugan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records in FIR Crime No.25 of 2024 dated 25.01.2024, registered by the 1st respondent police and quash the same.

For Petitioner : Mr.S.Mukunth Narayanan, Sr.Counsel
for M/s.Meiyappan Mohan

For R1 : Mr.S.Udaya Kumar
Government Advocate (CrI.Side)



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ORDER

This Criminal Original Petition is filed to quash the First Information Report in Crime No.25 of 2024 on the file of the Kattur Police Station, Coimbatore.

2. The petitioner is the brother-in-law of the defacto complainant. Their dispute between the defacto complainant and sisters is regarding the estate left by their father. Earlier a complaint is filed by his sister and is pending investigation in Crime No.40 of 2023 on the file of the CCB, Coimbatore.

3. It is also stated by the learned Senior Counsel appearing for the petitioner that the parties have already approached the civil Court and suit in O.S.No.672 of 2020 on the file of the I Additional District Court, Coimbatore is pending and also pursuant to the order passed by the trial Court in Interlocutory Application for appointing Advocate Commissioner, the Advocate Commissioner has inspected the premises and had taken inventory of movables. Therefore, it is submitted that a purely civil dispute now counter blast the earlier complaint against him, the respondent has filed the present petition is liable to be quashed.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police however submits that though the dispute center around the estate left by one Ramadas, there is element of criminality in the complaint. Therefore, needs to probe, whether there is a breach of trust, cheating, intimidation and theft. Since the investigation is at the preliminary stage, no decision can be drawn premature.

5. This Court finds force in the submissions, therefore, the Criminal Original Petition to quash is liable to be dismissed. However, taking note of the fact that for the same issue two complaints been investigated by two different agencies, one by local police and the another by City Crime Branch. It is appropriate that both the complaints to be investigated in the same agency namely CCB, Coimbatore where the Crime No.40 of 2024 is under investigation. The defacto complainant in the present case i.e., Crime No.25 of 2024 has already been given protection by this Court in Crl.O.P.No.26740 of 2023, who is an accused in Crime No.40 of 2024 on the file of the CCB, Coimbatore.

6. In the light of the above facts, it is suffice to direct the respondent police not to take any coercive steps against the petitioner



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subject to condition that if the petitioner cooperate with the investigation without any resistance till the completion of investigation and filing of final report in both the complaints.

7. In the result, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

05.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
C-1, Kattur Police Station,
Coimbatore.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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