



Crl.O.P.No.25426 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.25426 of 2024 and

Crl.M.P.No.14264 of 2024

Ashwin Varma

... petitioner

Vs.

1. The State

Rep. by the Inspector of Police

J-6 Police Station

Thiruvannamiyur, Adyar, Chennai - 600 041

2. N.Raveendran

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the entire records of the FIR in No.254 of 2023 dated 27.06.2023, on the file of the 1st respondent police and quash the same.

For petitioner : M/s.Ramya Muralikumaran
for M/s.MCGAN Law Firm

For 1st Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

For 2nd Respondent : Mr.R.Thiagarajan



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in No.254 of 2023 dated 27.06.2023, on the file of the 1st respondent police.

2. The learned counsel for the petitioner submitted based on the complaint given by the 2nd respondent alleging that the petitioner demolished the so called safety and security wall of his exclusive garden in the ground floor, FIR in Crime No.254 of 2023 came to be registered against the petitioner and his Contractor. But the fact remains that, it is not a compound wall and it is an illegal construction put up by encroaching the non-FSI area of the apartment. He further submitted that the petitioner filed a writ petition in W.P.No.23700 of 2023 before this Court making the statutory authorities and the individuals as parties for taking action against the respondents therein for the violation and illegal activities. The Division Bench of this Court, by order dated 08.03.2024, has given direction to remove the unauthorized construction and to restore the non FSI area as per the sanctioned plan and that the



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petitioner did not demolish the wall. She further submitted that the Wall is still existing. The date of FIR is on 27.06.2023 and the report sent by the CMDA dated 14.08.2023 would prove that the Wall is still existing and it was not demolished.

3. The learned Government Advocate (CrI. Side) appearing for the 1st respondent police submitted that the allegations in the FIR is not only about demolition of Wall but there are further allegations of threat and intimidation. He further submitted that the investigation is almost completed and they are ready to file the charge sheet shortly.

4. The learned counsel appearing for the 2nd respondent/defacto complainant submitted that the order passed by the Division Bench is nothing to do with this case. Though the petitioner already got orders from the Court, the petitioner along with the Contractor, in a high handed manner tried to demolish the Wall. Therefore, they lodged the complaint.

5. Heard both sides and perused the materials available on record.



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6. A perusal of FIR shows prima facie allegations. Now the investigation is pending. At this stage, the Court has to only see as to whether any prima facie allegations are there in the complaint/FIR against the petitioner. Whether the allegation are true or not that cannot be decided at this stage and the same can be decided only after investigation.

7. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

8. The 1st respondent police is directed to expedite the investigation and file the charge sheet within a reasonable time.

13.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Inspector of Police
J-6 Police Station
Thiruvanniyur
Adyar, Chennai - 600 041

2. The Public Prosecutor
High Court, Madras



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P.VELMURUGAN,J.

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