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Crl.O.P.No.16059 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16059 of 2023
& Crl.M.P.Nos.10078 & 10080 of 2023
& Crl.M.P.No.605 of 2024

Kaleel. ... Petitioner/Accused

/versus/

1. State Inspector of Police,
R2 Kodambakkam Police Station,
T.Nagar District.
Crime No.11 of 2023 ... 1st Respondent/Complainant

2. Syeeda Zarina ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records of the proceedings in C.C.No.1189 of 2023 on the file of the XVII Metropolitan Magistrate, Saidapet and to quash the same.

For Petitioner : Mr.S.Senthilvel

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

For R2 : Mr.Raja Kalifulla, Senior Counsel,
for Mr.J.Jayendra Krishnan



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ORDER

The petition is filed to quash the complaint in C.C.No.1189 of 2023 pending on the file of Metropolitan Magistrate XVII, Saidapet, Chennai.

2. The sum and substance of the final report based on the complaint given by Ms.Syeeda Zarina is that the property which is in her possession been criminally trespassed and damaged and she was also physically harassed. However, the petitioner herein who is the accused claims that the property was purchased by him from one Elangovan and earlier, his application given to the police on 10.10.2020 not been acted upon.

3. The Learned Counsel for the petitioner also state that there are two statements of the defacto complainant. First statement which is the basis for recording the F.I.R been improvised by the defacto complainant through her second statement. The defacto complainant has filed an application to vacate the stay stating that the petition to quash is not sustainable since there is an ample evidence to show that the petitioner herein has committed the offence of trespass, intimidation and damage to the property.



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Index : Yes/No

Neutral Citation : Yes/No

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Copy to:-

1. The XVII Metropolitan Magistrate, Saidapet.
2. The Inspector of Police, R2 Kodambakkam Police Station,
T.Nagar District.
3. The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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