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CrI.O.P.No.21819 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21819 of 2022

CrI.M.P.No.14110 of 2022

1.J.Babu @ Babu John

2.P.Raja

3.Gunasekara Naidu @ D.Kuppan Gunasekaran

4.G.K.Venkatesan

... Petitioners

Versus

1.State of Tamil Nadu

Rep by Inspector of Police

Arakkonam Town Police Station

Ranipet

(Arakkonam Town P.S. In Cr.No.82 of 2022)

2.S.Yuvaraj

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for records in Cr.No.82 of 2022 dated 22.03.2022 pending on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.Udaiya Bhanu

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)



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ORDER

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This Criminal Original Petition has been filed seeking to call for records in Cr.No.82 of 2022 pending on the file of the respondent police and quash the same.

2. As per the FIR, the defacto complainant's father is the absolute owner of the property, wherein, her father had let in the property to the second petitioner for monthly rent. Thereafter, the defacto complainant father died and the second petitioner attempted to grab the property and also forced the defacto complainant to sell the property. It is also the case that the petitioners colluded and attempted to create lease agreement in respect of the property. Hence, the FIR was lodged. The petitioners have come up with this petition seeking for quashment of the FIR.

3. The learned counsel for the petitioners submits that the petitioners are not in occupation of the property and they had already handed over the property to the defacto complainant. Thereafter, the defacto complainant sold the property to one Thilakavathi and the said Thilakavathi had also gave the property to rent for one Sasikumar on 03.08.2023. To that effect, a letter is also given by the said



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K.Sasikumar along with his photographs are also produced before this Court. So as on date, this Court is of the view that the petitioners are not in occupation of the property as contended by the learned counsel for the petitioners. Hence, this Court is inclined to quash the proceedings in Cr.No.82 of 2022 pending on the file of the first respondent police as against the petitioners.

4. Accordingly, this criminal original petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2024

dhk

To

1.The Inspector of Police
The State of Tamil Nadu
Arakkonam Town Police Station
Ranipet

2.The Public Prosecutor,
Madras High Court, Chennai

T.V.THAMILSELVI, J.

dhk



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