



Crl.O.P.No.31881 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.31881 of 2022

G.B.Seshadri

... Petitioner

Vs.

1. The Inspector of Police,
T-1 Ambattur Police Station,
Chennai-600 053.

2. The Tahsildar,
Ayanavaram,
Chennai-600 102.

.. Respondents

PRAYER : Criminal Original Petition filed under Sec.482 of Criminal Procedure Code, to call for entire records in F.I.R. in Crime No.703 of 2022 on the file of 1st respondent T-1 Ambattur Crime Police and quash the same.

For Petitioner : Mr.S.N.Narasimhalu

For Respondents : Mr. S.Vinoth Kumar
Govt. Advocate (Crl. Side) for R1



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ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.703 of 2022 pending on the file of 1st respondent police.

2. Heard both sides.

3. The petitioner is the 4th accused in F.I.R. in Crime No. 703 of 2022 on the file of 1st respondent police and based on the complaint given by 2nd respondent, the F.I.R. was registered against this petitioner and others for an offence under Sec.465, 466, 467, 468, 470 and 420 I.P.C. Immediately, this petitioner approached this court and preferred this petition to quash the proceedings initiated against him stating that already a civil suit is pending between himself and one Susila, as there was a dispute while fixing the boundary stones. When they objected for



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measurement and to put boundary stone, this petitioner lodged a complaint against the 2nd respondent/defacto complainant before the Collector. As a counter-blast, the 2nd respondent lodged a complaint against the accused on various grounds. Accordingly, to quash the complaint, this petitioner preferred this Criminal Original Petition.

4. Records perused. On perusal of records, it reveals that already a civil suit is pending between the petitioner and the 2nd respondent/defacto complainant before the learned III Asst. Judge, City Civil Court, Chennai in O.S.No. 3392 of 2010 and the same was dismissed. Subsequently, another suit in O.S.No.6812 of 2022 was filed and the same is pending before the City Civil Court, Chennai. In both suits, with regard to removal of encroachment and enjoyment of land, there was a dispute between parties. During the pendency of earlier suit in O.S.No.3392 of 2010, there was an interaction between the defacto complainant and the petitioner, who is advocate by profession, hence, the F.I.R. was lodged. But, admittedly, there is no prima facie materials produced on the side of 2nd respondent with regard to the allegations levelled against this



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petitioner. If at all, the parties are having any grievance, they are entitled to work out their remedy in the civil suit pending between the parties. Hence, the F.I.R. lodged against this petitioner alone in Crime No. 703 of 2022 is liable to be quashed. Accordingly, this Criminal Original Petition is allowed and proceedings pertaining to F.I.R. in Crime No.703 of 2022 is quashed this petitioner.

04.01.2024

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

To

1. The Inspector of Police,
T-1 Ambattur Police Station,
Chennai-600 053.
2. The Tahsildar,
Ayanavaram,
Chennai-600 102.
3. The Public Prosecutor,
High Court, Madras.

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T.V.THAMILSELVI, J.

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