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CrI.O.P.No.28937 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.28937 of 2024

and

CrI.M.P.No.16197 of 2024

1. G.Gopalakrishnan
2. G.Raghul Rukmangathan

... Petitioners

Vs.

1. State represented by
Inspector of Police,
T-12, Selaiyur Police Station,
Tambaram, Chennai.

2. Gnana Selvi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./528 BNSS, 2023 to call for the records relating to FIR in Crime No.481 of 2024 on the file of the Inspector of Police, T-12, Selaiyur Police Station, Tambaram, Chennai and quash the same so far as the petitioners 1 and 2 are concerned.

For Petitioners : Mr.S.Shanmugavelayutham
Senior Counsel for
Mr.R.T.Vijayaraaghavan



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Crl.O.P.No.28937 of 2024

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor for R1

Mr.C.Iyyaparaj for R2

ORDER

This Criminal Original Petition is filed to quash the F.I.R. in Crime No.481 of 2024 on the file of the Inspector of Police, T-12, Selaiyur Police Station, Tambaram, Chennai, insofar as the petitioners 1 and 2 are concerned.

2. Learned Senior Counsel appearing for the petitioners submitted that there is a dispute between the petitioners/landlord and *de-facto* complainant/tenant, in which the first respondent/Police is unnecessarily interfering and trying to give a criminal colour to the civil dispute. Therefore, the F.I.R., in Crime No.481 of 2024 may be quashed as against the petitioners herein.

3. Learned counsel for the second respondent/*de-facto* complainant submitted that even though earlier a complaint was given,



CrI.O.P.No.28937 of 2024

the respondent/Police have not taken any action. Subsequently, taking advantage of the above fact, the petitioners trespassed into the premises of the second respondent and also caused damages to the property of the *de-facto* complainant and also made life threat to the second respondent and that the second respondent has preferred a complaint against the petitioners based on which the first respondent/Police registered a case against the petitioners and investigation is still pending.

4. Learned Additional Public Prosecutor appearing for the first respondent/Police submitted that *prima facie* there are materials including CCTV footages which show that the petitioners have involved in the alleged offences and investigation is under progress and the charge sheet is yet to be filed.

5. On a perusal of the records and considering the submissions made by the learned counsel on either side, this Court is of the view that *prima facie* there are materials to proceed further with the case against the petitioners. Since the investigation is under progress, the relief sought for by the petitioners cannot be granted at this stage and hence,



Crl.O.P.No.28937 of 2024

this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. However, the first respondents/Police is directed to file final report within a period of two months from the date of receipt of a copy of this order.

18.12.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

1. The Inspector of Police,
T-12, Selaiyur Police Station,
Tambaram, Chennai.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.28937 of 2024

P.VELMURUGAN, J

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Crl.O.P.No.28937 of 2024

18.12.2024