



Crl.O.P.No.874 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:08.08.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.874 of 2023

and

Crl.M.P.No.436 of 2023

1.S.Vasanth
2.Vijayalakshmi
3.S.V.Giri
4.S.Ramamurthy

.. Petitioners

/versus/

1.The State rep.by
The Inspector of Police,
Mamallapuram Police Station,
Crime No.410 of 2022
Chengalpattu District.

2.Durai

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to the impugned FIR in Crime No.410 of 2022 on the file of the 1st respondent police and quash the same in so far as the petitioners are concerned, by allowing this criminal original petition.



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For Petitioners :Mr.N.Manoharan
For R1 :Mr.K.M.D.Muhilan
Govt.Advocate (Crl.Side)
For R2 :Mr.S.Anburaja

ORDER

The petitioners herein are the named accused in Crime No.410 of 2022 alleging that on the strength of the Will executed by one late P.Sankarasubramani Iyer @ P.S.Subramania Iyer, the father of the accused as well as the defacto complainant, they are entitled to sell the property, which is in possession of the defacto complainant, who is running a lodge in the said premises. Contending that the defacto complainant was prevented by the petitioners to grab the entire property. The complaint in Crime No.410 of 2022 filed with false allegation particularly one of the accused is not even in India on the alleged date of incident i.e. on 14.08.2022.



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2. The learned Government Advocate (Crl.Side) submitted that in this case, the investigation is almost completed and due to interim order passed by this Court on 19.01.2023 restraining the first respondent police from filing the final report, they have not filed the final report.

3. The learned counsel appearing for the defacto complainant submitted that the defacto complainant has no quarrel in fulfilling the wish of his father P.Sankarasubramani Iyer @ P.S.Subramania Iyer as stated in the Will dated 04.04.2013. However, in order to forcibly evict him from the possession, the petitioners have engaged rowdy elements and damaged the properties which were kept in the premises. It is also to be noted that a suit for partition has been filed by the defacto complainant and the same is pending.

4. In the said circumstance, it cannot be construed as pure and simple case of property dispute between the legal heirs of the P.Sankarasubramani Iyer @ P.S.Subramania Iyer. Since the element of forcibly eviction and damaged the property is spoken in the complaint, it



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is necessary for proper investigation and complete it in the manner known to law.

5. The learned Government Advocate (Crl.Side) submitted that the final report can be filed within a period of 30 days.

6. Recording the same, the criminal original petition is disposed of directing the 1st respondent police to file the final report within a period of 30 days. If the petitioners herein have any grievance regarding the final report, they shall workout their remedy before the appropriate court in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

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Index:yes/no
Neutral Citation:yes/no
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To

- 1.The Inspector of Police, Mamallapuram Police Station, Crime No.410 of 2022, Chengalpattu District.
- 2.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.



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