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Crl.O.P.No.883 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.883 of 2023

and

Crl.M.P.No.461 of 2023

Darmaradjou Raja

.. Petitioner

/versus/

1.State rep.by
Inspector of Police,
PCR Cell,
Puducherry.

2.J.Ananthan
Proprietor,
A&B Construction,
No.7, Romain Rolland Street,
Puducherry-605 001.

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records on the file of the 1st respondent police relating to the impugned first information report in crime No.2 of 2022 and quash the same.



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For Petitioner :Mr.Mr.M.Velan for
M/s T.Sai Krishnan

For R1 :Mr.M.V.Ramachandramurthy
APP(Pondy)
Assist.by
Mr.M.Thamizhmaran

ORDER

This petition is filed to quash the impugned FIR in Crime No.2 of 2022 registered by the Inspector of Police, PCR Cell, Puducherry. dated 11.01.2022.

2. According to the petitioner, he is the accused in the said complaint. There is a dispute between the petitioner and the complainant regarding sale of flat and in connection with the said dispute, the petitioner herein raised a dispute before the State Consumer Disputed Redressal Commission, Pondicherry in C.C.No.4 of 2017 and the petitioner has succeeded.



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3. Being aggrieved by the said order, the defacto complainant has filed appeals before the National Consumer Disputes Redressal Commission, New Delhi and the same was disposed of and against which, the petitioner has preferred Review Petition before State Consumer Redressal Commission seeking relief of interest in which the second respondent has filed counter. Thereafter, the present false complaint is filed by the second respondent against the petitioner alleging that the petitioner had called the complainant using the caste name and the said complaint was registered by the respondent police as if the Court has directed the police to register the complaint.

4. The learned counsel appearing for the petitioner referring First Information Report wherein the Inspector has recorded that pursuant to the direction of the High Court in its order dated 29.10.2021 in Crl.O.P.No.20158 of 2021, the complaint been registered by the respondent police.



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5. On perusal of the order passed by this Court in Crl.O.P.No.20158 of 2021, dated 29.10.2021, it is found that this Court has not directed the respondent police to register the complaint. Only liberty was given to the petitioner to workout his remedy, as per the directions issued by a three Judges Bench in *M.Subramaniam v. S.Janaki reported in (2020) 5 STC 464* which was passed by following the dictum laid down by *LalithaKumari* case.

6. Notice was sent to the second respondent, but there is no representation on his behalf. This Court finds that the First Information Report does not reflect the true facts particularly, the existing dispute between the petitioner and the complainant. Further more, the complaint clearly indicates that it has been lodged only with intention to wreck vengeance against the petitioner, who was succeeded before State Consumer Redressal Commission. Against which the complainant filed an appeal before the National Consumer Redressal Commissioner and the same case was disposed of.



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7. In view of the above facts and circumstances, the Criminal Original Petition to quash the complaint is allowed. Consequently, connected Miscellaneous Petition is closed.

08.08.2024

Index:yes/no

Neutral Citation:yes/no
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To

1.The Inspector of Police, PCR Cell, Puducherry.

2.The Public Prosecutor (Pondicherry),High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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