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Crl.O.P.No.2945 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2945 of 2024

and

Crl.M.P.No.2150 of 2024 and

Crl.M.P.No.18425 of 2025

S.K.Boopalan

... Petitioner

Vs.

1.The State rep. By

The Inspector of Police

E-1, Ponneri Police Station

Ponneri, Tiruvallur District

2. N.Koteeswaran Arulraj

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in FIR in Crime No.795 of 2023 dated 07.12.2023, pending on the file of the 1st respondent/Inspector of Police, E-1, Ponneri Police Station, Tiruvallur District and quash the same.

For Petitioner : Mr.E.Prabu



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For Respondents : Mr.K.M.D.Muhilan
Additional Public Prosecutor for R1
Mr.B.Raja for R2



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ORDER

WEB COPY The Criminal Original Petition has been filed seeking to quash the FIR in Crime No.795 of 2023 dated 07.12.2023, pending on the file of the first respondent police, for the offences under Sections 294(b), 506(I) of IPC and Sections 3(1)(s) of SC/ST Act.

2. The brief facts of the prosecution case as per the de facto complainant/2nd respondent is that by obtaining loan of Rs.45 lakhs, he is running a water bottling company in the premises situated in Survey No.208/8, owned by the petitioner/accused. The lease agreement is for 20 years to be renewed every 5 years. After expiry of 5 years, since the petitioner did not come forward to renew the agreement, the de facto complainant had requested him several times to renew the same, however, the petitioner did not extend the lease. Hence, the de facto complainant/2nd respondent had approached the Court and obtained an order of injunction. Aggrieved by the same, the petitioner started a business in his son's name viz. Sunil Aqua and registered a document as if, the said premises had been given for 10 years lease. When the de facto complainant questioned the

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same, the petitioner abused him by calling with his caste name and stated

that the other community people will not drink the water filled by the de

facto complainant and also threatened to kill the de facto complainant and

his family members if he does not vacate the premises. Hence, the de facto

complainant lodged a complaint before the first respondent police on

15.10.2025. Since the first respondent police had not taken any action, he

approached the Principal District and Sessions Judge, Tiruvallur and filed a

complaint in Crl.M.P.No.5577 of 2023 under Section 156(3) Cr.P.C. and the

learned Principal Sessions Judge, by order dated 27.11.2023, directed the

first respondent police to register an FIR, based on which, the first

respondent registered the above FIR. The present petition has been filed by

the accused/petitioner to quash the FIR.

3. The learned counsel for the petitioner would submit that

admittedly, civil disputes are pending between the petitioner and the de

facto complainant. After expiry of 5 years of lease period, the petitioner had

asked the de facto complainant to vacate the premises, whereas the de facto

complainant approached the Court and obtained an order of injunction and



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hence, there was a dispute between them. While so, in order to harass the

petitioner, he has lodged a false complaint against the petitioner. He would

further submit that even taking into consideration the entire allegations to be

true, the alleged offences cannot be made out as against the petitioner. Even

as per the complaint, the alleged occurrence is said to have taken place

within the factory premises and not in the public view and that there were

no other persons who watched the incident. Therefore, continuing the case

against the petitioner, is an abuse of process of law. In support of his

contention, the learned counsel placed reliance of the judgments of Hon'ble

Supreme Court in *Ramesh Chandra Vaishya Vs. State of UP* and Ors.

reported in (2023) 17 SCC 615 and *Hitesh Verma Vs. The State of*

Uttarkhand & Anr. reported in (2020) 10 SCC 710.

4. The learned Additional Public Prosecutor appearing for the first

respondent police would submit that as per the complaint, the alleged

incident is said to have taken place in the factory premises. Even as per the

complainant, there are no witnesses to the occurrence and there are civil

disputes are pending between the parties. He would further submit that on



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account of the stay granted by this Court, there is no progress in the investigation.

5. The learned counsel for the 2nd respondent/de facto complainant would submit that the investigation is at the initial stage. The petitioner had hurled caste based abuses on the de facto complainant with an intention to insult and humiliate him. Hence, he would pray for dismissal of this petition.

6. Heard and perused the entire materials available on record.

7. Admittedly, there were civil disputes pending between the parties. Even taking into consideration the complaint in entirety, it does not make out the case for the offences under Sections 3(1)(s) of SC/ST Act. Therefore, this Court is inclined to quash the FIR registered against the petitioner.

8. Accordingly, the FIR registered against the petitioner in Crime No.795 of 2023 dated 07.12.2023 on the file of the first respondent police, is quashed.

9. This Criminal Original Petition is allowed accordingly.



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Consequently, the connected Miscellaneous Petitions are closed.

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Neutral Citation: Yes/No

To

1.The Inspector of Police
E-1, Ponneri Police Station
Ponneri, Tiruvallur District

2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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