



Crl.O.P.No.13813 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.13813 of 2025 and
Crl.M.P.No.9222 of 2025

B.Shanmugasundaram

... Petitioner

Vs.

1. State rep. by
The Inspector of Police
J3 Guindy Police Station
Guindy, Chennai
(Crime No.1350 of 2014)

2. Dr.J.Vasudevan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for impugned charge sheet C.C.No.2077 of 2024 on the file of learned IX Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner

: Mr.R.Dhanasekar

For R1

: Mr.S.Vinoth Kumar

Government Advocate (Crl. Side)

For R2

: Mr.R.Vijaya Raghavan



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ORDER

WEB COPY This Criminal Original Petition has been filed by the petitioner to quash the charge sheet in C.C.No.2077 of 2024 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the petitioner is that the petitioner is the tenant under the second respondent. Since the second respondent threatened the petitioner to vacate his premises, the petitioner filed a suit in O.S.No.5029 of 2013 before the City Civil Court, Chennai seeking permanent injunction. While so, the second respondent lodged a complaint before the respondent police as if, the petitioner along with one Raja and 20 other persons trespassed in to his premises and damaged his belongs and also threatened him with dire consequences. Based on which, the first respondent police registered a case against the petitioner in Crime No.720 of 2014 for the offences under Sections 448, 323, 427 and 506(i) IPC and after completion of investigation, filed the charge sheet and the same was taken on file in C.C.No.2077 of 2024 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai. Pending trial, the present petition is filed to quash the C.C.

3. The learned counsel for the petitioner submitted that there was a landlord and tenant dispute between the parties and a false case has been



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WEB COM foisted against the petitioner. He further submitted that the suit filed by the petitioner has been dismissed on 15.09.2023 on the ground that the second respondent has already initiated Rent Control Proceedings as against the petitioner. He further submitted that though in the complaint it is stated that the petitioner along with one Raja and 20 others trespassed into the house of the second respondent and threatened him with dire consequences, the FIR has been registered only against the petitioner which is nothing but abuse of process of law and that the respondent police has given a criminal colour to the civil dispute.

4. The learned counsel for the second respondent submitted that under the instigation of the petitioner, 20 rowdy elements came to the occurrence place and threatened the second respondent with dire consequences under the head of one Raja. Therefore, he lodged a complaint. But the Investigating Officer has not conducted the investigation properly and impleaded the other accused.

5. Heard both sides and perused the materials available on record.

6. A perusal of the records shows prima facie materials against the petitioner. Therefore, there is no reason to quash the C.C.

7. Further, a reading of the statements of the witnesses shows that one Raja along with other rowdy elements went to the occurrence place



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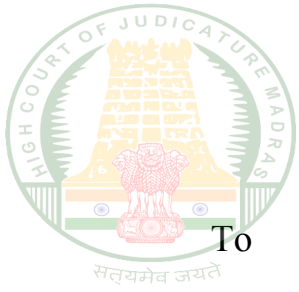
and threatened the second respondent and his staffs with dire consequences and involved in the said offences. However, the charge sheet has been filed only against the petitioner and the said Raja and other rowdy elements who physically involved in the said offences, were not shown as accused in the charge sheet.

8. Therefore, the Magistrate is directed to invoke Section 319 Cr.P.C. and find as to any other persons are involved in this offence other than the petitioner and implead them as accused by invoking Section 319 Cr.P.C. /358 of B.N.S.S.

9. With the above directions, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

11.06.2025

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

WEB COPY

1. The IX Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police
J3 Guindy Police Station
Guindy, Chennai
3. The Public Prosecutor
High Court of Madras, Chennai



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P.VELMURUGAN, J

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