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Crl.O.P.No.17388 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.17388 of 2025 &
Crl.M.P.No.11010 of 2025

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1.R.Sathish Raj
2.N.Ravi Kumar

.. Petitioners

Vs.

1.The Sub Inspector of Police,
K-11, C.M.B.T. Police Station,
Anna Nagar, Chennai.
(Cr.No.95 of 2021)

2.D.Gnanaselvi

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the FIR in Cr.No.95 of 2021 on the file of the first respondent/complainant and to quash the same.

For petitioners : Mr.P.Bala Murugan

For respondent: Dr.C.E.Pratap
Government Advocate (Criminal Side)



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ORDER

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This Criminal Original Petition has been filed under Section 528 of BNSS to quash the First Information Report in Cr.No.95 of 2021, registered on the file of the first respondent police.

2. The brief facts of the case are that the petitioners are the lessors and the second respondent is the lessee of a residential flat. The lease commenced on 20.03.2020 and was agreed to subsist until 31.05.2022 for a sum of Rs.15,00,000/- paid as lease consideration. The flat comprises three bedrooms, of which two were handed over to the second respondent and one room was retained by the owners. According to the second respondent, the petitioners frequently accessed the retained bedroom, and the second petitioner used it for consuming alcohol, and often spoke loudly in vulgar language. She had requested the owners not to indulge in such activities as it caused mental agony and inconvenience to her and her family. Despite her repeated objections, the activities allegedly continued unabated.

3. The second respondent claims that the petitioners demanded an additional sum of Rs.1,50,000/- from her daughter towards educational expenses of the petitioners' son. When refused, the petitioners allegedly turned violent. The complaint further alleges that on 07.04.2021, the petitioners, along with one other

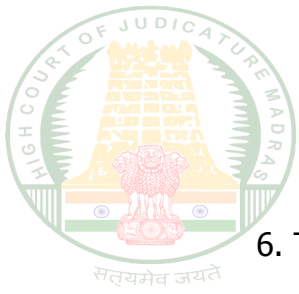


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person, forcibly trespassed into the leased premises and assaulted the complainant and her daughter. It is alleged that they used filthy and obscene language, physically attacked them, tore their clothes, and threatened to take their lives. The complainant claims to have suffered injuries for which she underwent treatment at K.M.C. Hospital. Based on her complaint, FIR in Cr.No.95 of 2021 was registered under Sections 427, 294(b), 323, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4. The learned counsel for the petitioners submitted that the allegations in the complaint are false, malicious, and intended to prevent the petitioners from accessing a portion of the property lawfully retained by them. It was contended that the complaint is the result of a private dispute, given a criminal colour, and the continuation of proceedings would amount to an abuse of process.

5. On the other hand, the learned Government Advocate (Criminal Side) for the first respondent submitted that the complaint discloses specific and serious allegations that warrant investigation. It was contended that the FIR cannot be quashed at the threshold and that the truth or falsity of the complaint must be established only upon investigation.



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6. This Court has carefully considered the rival submissions. The allegations in the complaint, if taken at face value, disclose commission of cognizable offences.

The defence projected by the petitioners, including the issue of access to the retained room and the alleged motive behind the complaint, are matters that can be adjudicated only after investigation and upon filing of the final report. At this stage, there is no ground to interfere with the FIR.

7. Accordingly, this Criminal Original Petition is dismissed. However, taking note of the fact that the FIR pertains to an incident of the year 2021, the first respondent is directed to expedite the investigation and file the final report before the jurisdictional Magistrate within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

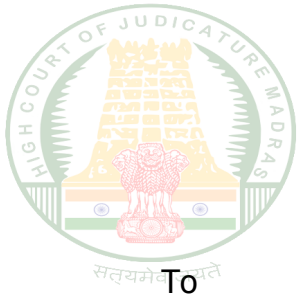
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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1. The Sub Inspector of Police,
K-11, C.M.B.T. Police Station,
Anna Nagar, Chennai.
(Cr.No.95 of 2021)
 2. The Public Prosecutor, Madras High Court,
Chennai.



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