

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.20065 of 2015

Om Sakthi Agencies,
By R.Ramachandran,
Chairman,
No.6, Veerappa Nagar,
Alwarthirunagar,
Chennai - 97.

...Petitioner/Accused No.4

Vs

1. State by Sub-Inspector of Police,
Land Grabbing Cell,
Kancheepuram
(Cr.No.48/2013).

2. K.Raji

...Respondents/Complainant
& Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records and quash the FIR in Crime No.48 of 2013 on the file of the first respondent as far as the petitioner is concerned.

For Petitioners : Mr.Yashod Vardhan,
[Senior Counsel for
Mr.P.Solomon Francis]

For Respondents : Mr.C.Emalias [for R1]
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner praying to quash the FIR in Crime No.48 of 2013 on the file of the first respondent.

2. Heard Mr.Yashod Vardhan, learned Senior Counsel appeared on behalf of Mr.P.Solomon Francis, the learned counsel for the petitioner and Mr.C.Emalias, the learned Additional Public Prosecutor for the first respondent.

3. On a reading of the FIR, it is seen that the defacto-complainant/ 2nd respondent herein had alleged that his property has been usurped by one Natarajan and his wife Gangammal and have been sold to Om Sakthi Agencies, run by the petitioner, who in turn had sold the property to M/s.Mahindra Industrial Park Ltd.,

4. Mr.Yashod Vardhan, the learned Senior Counsel, submitted that the F.I.R. does not disclose any cognizable offence as against the petitioner.

5. An F.I.R. is not an encyclopedia of the prosecution case and it need not reveal all the facts. In this case, the F.I.R. discloses that the land belonging to the petitioner had been illegally taken away by one Natarajan and Gangammal by preparing false documents and this petitioner had acted as the Power Agent and sold the land to M/s.Mahindra Industrial Park Ltd., These allegations require investigation by the Police. Hence, this Court cannot interfere under Section 482 Cr.P.C., to quash the F.I.R.

6. In the result, the respondent Police is directed to expeditiously conduct investigation in Crime No.48 of 2013 and if it is found during investigation that the petitioner is an innocent purchaser, it is needless to say that he will not be included in the final report.

7. With the above direction, this Criminal Original Petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar (CS-III)

//True Copy//

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Sub Assistant Registrar

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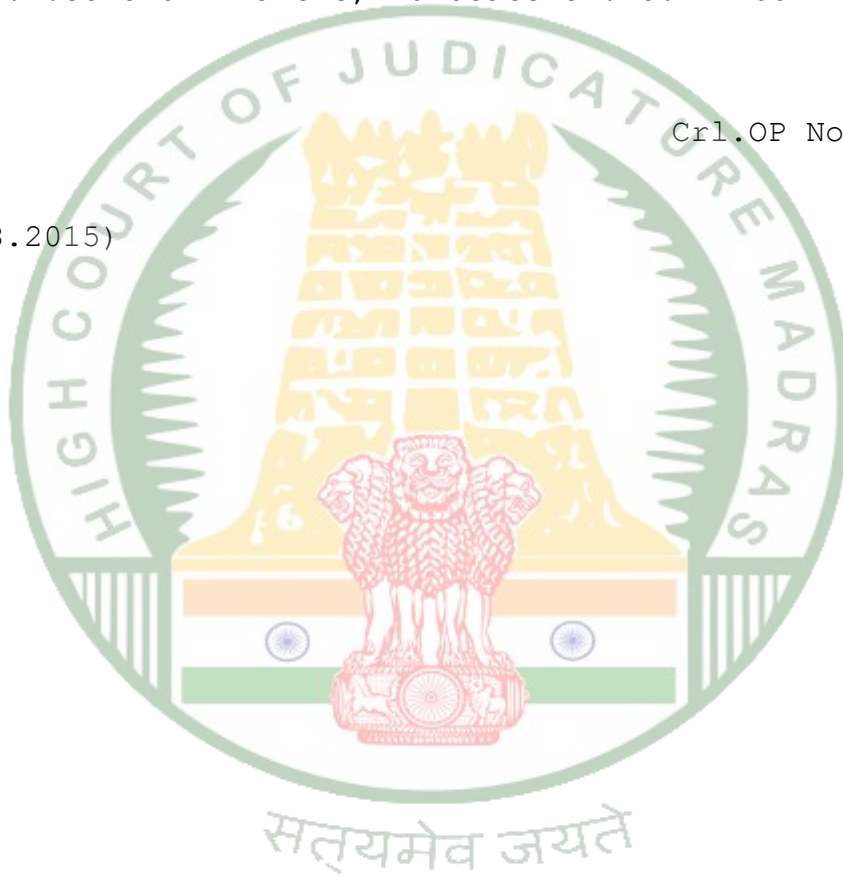
To

1. The Sub-Inspector of Police,
Land Grabbing Cell,
Kancheepuram.
2. The Public Prosecutor,
High Court, Chennai.

1 CC to Mr.P.Solomon Francis, Advocate SR.No. 42199

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MSM (CO)
PSI (27.08.2015)



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