

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.6042 of 2013
and M.P.No.1 of 2013 and M.P.No.1 of 2015

1.Muthukrishnan
2.Nataraj
3.Poongodi
4.S.M.Palanisamy
5.Nachimuthu Gounder
6.Gunasekaran

... Petitioners

Vs

1.The Inspector of Police,
Land Grabbing Special Cell,
District Crime Branch,
Tiruppur District.
(Cr.No.24/12)

2.K.Tamilselvan

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the criminal proceedings in Cr.No.24 of 2012 on the file of the Inspector of Police, Land Grabbing Cell, District Crime Branch, Tiruppur and quash the proceedings by allowing this quash petition.

For Petitioners : Mr.P.Kannankumar

For respondents: Mr.C.Emalias,
Addl.Public Prosecutor,
for R.1
Mr.C.Prakasam, for R.2

ORDER

The present criminal original petition has been filed to call for the records pertaining to the criminal proceedings in Crime No.24 of 2012 on the file of the Inspector of Police, Land Grabbing Cell, District Crime Branch, Tiruppur and quash the same.

2. The case in Crime No.24 of 2012 for the alleged offence punishable under Sections 120(B), 419, 467, 468, 471 and 420 read with 82 of Indian Registration Act, 1908, has been registered against the petitioners based on the complaint given by one K.Tamilselvan, the second respondent herein on the allegation that these petitioners by creating forged documents grabbed his property. To quash the same, the present criminal original petition has been filed.

3. Learned counsel appearing for the petitioners submitted that there is only a civil dispute between the parties and by giving a criminal colour, a false complaint has been lodged against the petitioners.

4. Learned Additional Public Prosecutor filed counter stating that the investigation conducted so far would reveal that all the petitioners / A.1 to A.6 along with A.7 colluded with each other and committed the heinous crime. They have also obtained loan from the State Bank of India to the tune of Rs.23,00,000/- on the basis of the created and forged documents and shared the said amount among themselves. The documents were sent to finger print examination and the report also would reveal that the documents contain forged signatures. Thus, he opposed to quash the said proceedings.

5. I am of the considered opinion, the scope of Section 482 Cr.P.C. to quash the first information report is very limited. The first information report can be quashed only if the allegations made in the complaint do not constitute any offence or if there is any legal flaw. However, in this case, the investigation conducted so far would reveal that there is forgery. Though the learned counsel appearing for the petitioners submitted that it is only a civil dispute, this Court cannot conduct any roving enquiry on the allegation made in the complaint. I find that absolutely, no case has been made out warranting this Court to quash the said proceedings.

6. In fine, the criminal original petition is dismissed. However, the petitioners are at liberty to work out their remedy after filing of the final report. The first respondent is directed to complete the investigation and file a final report as expeditiously as possible. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

sbi

To

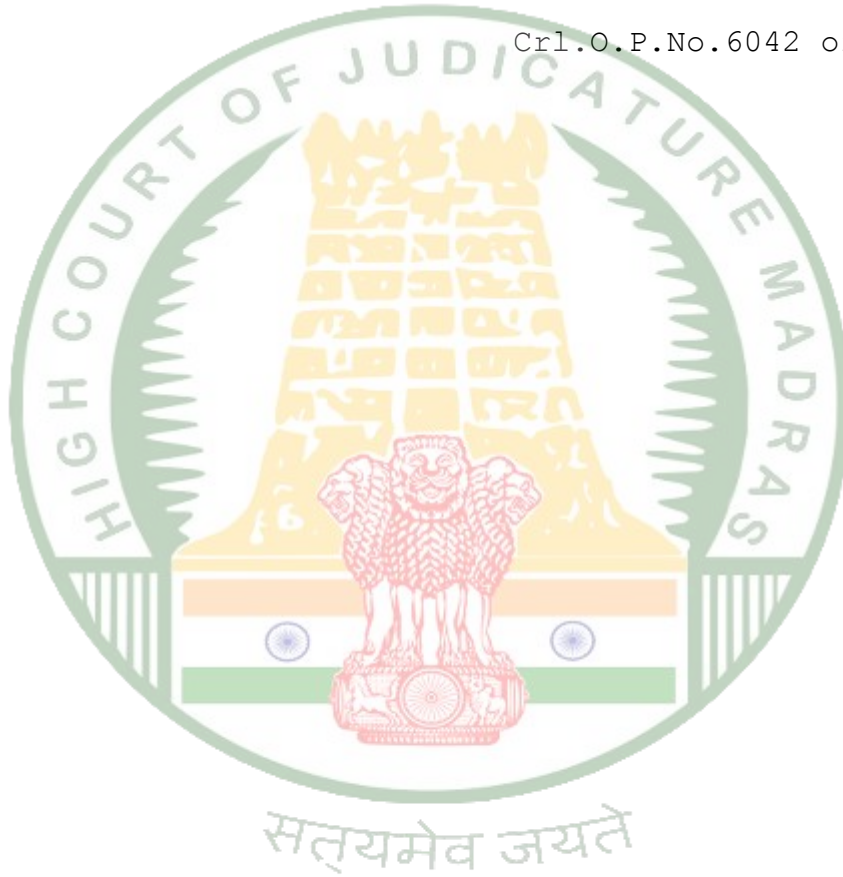
1.The Inspector of Police,
Land Grabbing Special Cell,
District Crime Branch,
Tiruppur District.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.C. Prakasam, Advocate R.68120

Cr1.O.P.No.6042 of 2013

VD(CO)
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