

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.4850 of 2015
and M.P.No.1 of 2015

1.N.K.Palaniswamy

2.Sengodan

...Petitioners

vs.

1.The State of Tamil Nadu
Rep by Inspector of Police,
District Crime Branch (Anti Land Grabbing),
Namakkal District.

2.G.Sekar

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records in FIR No.3 of 2015 on the file of the District Crime Branch Police Station (Anti Land Grabbing) Namakkal, the respondent Police and to quash the same.

For Petitioner : Mr.M.Devaraj

For Respondent 1 : Mr.Mohamed Riyaz
Government Advocate (Criminal Side)

For Respondent 2 : Mr.V.V. Sairam

O R D E R

Heard the learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Government Advocate (Criminal Side).

2. The petitioner is seeking to quash the FIR in Crime No.3 of 2015 registered for offences under Sections 465, 467, 471 and 420 I.P.C. This Court carefully perused the FIR. According to the defacto complainant, the petitioners have created a bogus document no.2177/1993 and registered the same with the Sub Registrar, Tiruchengode, as if Elayaperumal Gounder, the grandfather of the defacto complainant had executed the document in favour of the petitioners.

3.Learned Government Advocate (Criminal Side) submits that the investigation of the Police is also with regard to finding out whether document no.2177/1993 was executed by the said Elayaperumal or was it a forged document.

4.Under such circumstances, this is not a fit case to quash the FIR and the investigation should proceed in a manner known to law and that the petitioners shall also co-operate with the investigation and in the course of investigation, if the Police finds that dispute is purely a civil one, then it is open to the police to close the FIR as 'mistake of fact'.

5.With the above observation, the Criminal Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

mmi/ds

To

1.The Inspector of Police,
District Crime Branch (Anti Land Grabbing)
Namakkal District.

2.The Public Prosecutor,
High Court, Madras.

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