

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.8829 of 2015

and

M.P.No.1 of 2015

1. Aravind
2. P.Poochamy
3. A.N.Ragu @ Ragunathan
4. S.Dhanasekaran
5. Janakiraman
6.P.Amarnath ... Petitioners

Vs

State by

1. The Inspector of Police
Vellakoil Police Station,
Vellakoil, Kangayam Taluk
Tiruppur District
2. P.Kumarasamy ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records concerned in Cr.No.185 of 2015 on the file of the Inspector of Police, Vellakoil Police Staion, Vellakoil, Kangayam Taluk, Tiruppur District and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.C.Emalias,

Additional Public Prosecutor

ORDER

This petition is filed to quash the FIR.

2. The learned counsel for the petitioner submits that earlier these petitioners lodged a similar complaint before the same Police Officer. An enquiry was conducted and closed and thereafter fresh complaint has been filed and on instructions from the Inspector General of Police, a case appears to have been registered against the petitioners. Hence, the petitioners are seeking to quash the FIR.

3. The learned counsel for the petitioners took me through the Closure Report and this Court found that in the earlier case, no FIR was registered and petition enquiry was conducted and closed. That cannot be an estoppel for a full fledged police investigation, if the complaint discloses commission of cognizable offence.

4. In this case, on reading of the complaint, it appears that the complainant had given a Power of Attorney to these petitioners and these petitioners had sold the property of the complainant for Rs.6 Lakhs when actually the market value of it would be Rs.70 Lakhs. Therefore, there is disputed question of facts involved and this Court cannot go into this aspect at this stage.

5. Hence, this Criminal Original Petition is dismissed with direction that the first respondent police shall fairly conduct enquiry in keeping in mind about the earlier enquiry that was conducted by the police and if there is no case made out, then the FIR should be closed as mistake of fact, and connected M.P. is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ajr

To

1. The Inspector of Police
Vellakoil Police Station,
Vellakoil, Kangayam Taluk
Tiruppur District

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.19519

EV(CO)
CA(10/04/2015)

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