

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.Nos.33041 of 2013
and 11125 of 2014

1. Mrs.Kumari Kanagam
2. A.Nagarajan

... Petitioners in both Crl.OPs

Versus

1. State represented by the
Sub Inspector of Police,
District Crime Branch,
Coimbatore.
[Crime No.8/2013]

... Respondent in both Crl.OPs

2. S.Ramasamy

... 2nd Respondent
in Crl.OP.33041 of 2013

Prayer in Crl.OP.No.33041 of 2013: Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to quash the FIR in Crime No.8 of 2013 pending investigation on the file of Respondent Police.

Prayer in Crl.OP.No.11125 of 2014: Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to set aside the Direction/Notice dated 19.03.2014 issued by Judicial Magistrate I, Pollachi to the petitioners.

For Petitioner : Mr.S.Swamidoss Manokaran
in both Crl.OPs

For R1 : Mr.C.Emalias, Addl. Public Prosecutor
in both Crl.OPs

For R2 : Mr.Thanjai P.N.Chezhan
in Crl.OP.No.33041 of 2013

C O M M O N O R D E R

Crl.OP.No.33041 of 2013 is filed to quash the FIR in Crime No.8 of 2013 pending investigation on the file of the Respondent Police and Crl.OP.No.11125 of 2014 is filed to set aside the Direction/Notice dated 19.03.2014 issued by the learned Judicial Magistrate I, Pollachi to the petitioners.

2. Heard Mr.S.Swamidoss Manokaran, learned counsel for the petitioners; Mr.C.Emalias, learned Additional Public Prosecutor appearing for the 1st respondent and Mr.Thanjai P.N.Cezhian, learned counsel appearing for the 2nd respondent.

3. On a reading of the complaint, it is stated that the accused herein had created bogus partnership document as if one Vanmathi had resigned from the partnership and based on that created encumbrance on the firm's properties vide registered Sale Deeds viz., Document Nos.10811 and 10812 of 2012 before the Sub Registrar Office, Kinathukadavu.

4. Relying on the parameters laid down by the Hon'ble Supreme Court in State of Haryana Vs Bhajan Lal reported in 1992 Supp [1] SCC 335, when the complaint is read, it discloses the commission of cognizable offence. Therefore, this Court cannot quash the FIR. If during the course of investigation, the Police find that it is purely a civil case, the Police is directed to file a report to that effect.

5. With the above observation, these petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya
To

1. The Sub Inspector of Police,
District Crime Branch, Coimbatore.

2. The Judicial Magistrate, Pollachi.

3. The Additional Public Prosecutor, High Court, Madras.

+1cc to Mr.Thanjai P.N.Cezhian, Advocate, S.R.No.20653

CRL.O.P.No.33041 of 2013 and 11125 of 2014

SCD(CO)
CA(29/04/2015)