



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2015

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

Crl.O.P. (MD) No.21161 of 2015

and

M.P. (MD) No.1 of 2015

P.Samuthiravel @ Titus ... Petitioner/Accused NO.2

-Vs-

1.The Inspector of Police,
North Police Station,
Thoothukudi
(Crime No.421 of 2015) ...1st Respondent/Complainant

2.K.S.P.S.Natarajan Trust
rep by Estate Officer,
Sankaranarayanan ...2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR Crime No.421 of 2015 on the file of the 1st respondent police and quash the same as concerned this petitioner.

For Petitioner : Ms.U.Maheswari
For Respondent-1: Ms.S.Prabha
Govt.Advocate

O R D E R

This petitioner has come forward with this application, seeking to quash the FIR in Crime No.421 of 2015 on the file of the 1st respondent police in so far as the petitioner is concerned.

2. I have heard the learned counsel appearing on either side and perused the materials available on record.

3. Ms.Uma Maheswari, counsel for the petitioner would submit that the date of alleged occurrence is 12.08.1977 and on that day, the Tuticorin K.S.P.S.Natarajan Trust executed a Gift Deed through its Managing Trustee K.S.Ganapathy Nadar in favour of the Indian Financial Association of the 7th Day Adventists, Anna Nagar, Madras by its Treasurer and therefore, the petitioner is no way connected with the alleged documents executed during the year 1977. The petitioner is not a party to the above Gift Deed. Therefore, the petitioner prayed for quashing of the FIR.



4. In view of the Judgment of the Hon'ble Supreme Court in *HMT Watches Ltd., Vs. M.A.Abida & Another* reported in (2015(2) CTC 446) wherein, it has been held that quashing of criminal complaint on disputed question of facts cannot be entertained and it is a matter for trial to proceed with the criminal complaints, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Inspector of Police,
North Police Station,
Thoothukudi
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MPK
RL/3C/PM/3/12/2015

Cr1.O.P. (MD)No.21161 of 2015

04.11.2015