

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2016

CORAM:

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

Crl.O.P. No.11571 of 2015 and M.P. No.1 of 2015

1 G. Ramamurthy

2 L. Krishnan

3 L. Dhanapal

4 Annai Theresa Petitioners

vs.

1 State of Tamil Nadu
represented by the Inspector of Police
Land Grabbing Special Division
Coimbatore City
Coimbatore

2 V. Manivanna Prabu Respondents

Criminal Original Petition filed under Section 482,
Cr.P.C., seeking to call for the records in F.I.R. No.33 of
2014 dated 04.05.2014 on the file of the first respondent and
quash the same.

For petitioners Mr. M. Arun Kumar
for M/s. Sampathkumar & Associates

For R1 Mr. C.Emalias
Additional Public Prosecutor

For R2 Mr. E. Senthil Kumar

ORDER

This Criminal Original Petition has been filed seeking to
call for the records in F.I.R. No.33 of 2014 dated 04.05.2014
on the file of the first respondent and quash the same.

2 Heard the learned counsel for the petitioners, the
learned Additional Public Prosecutor appearing for the first
respondent and the learned counsel for the second respondent.

3 On the complaint lodged by one V. Manivanna Prabu, the second respondent herein, the first respondent police registered a case in Crime No.33 of 2014 for offences under Sections 120B, 419, 468, 469, 471 and 420 IPC against 5 accused challenging which, the petitioners, who are A1 to A3 are before this Court on the ground that the accused and the de facto complainant have arrived at a mutual compromise.

4 V. Manivanna Prabu, the de facto complainant, has also filed an affidavit dated 20.04.2016, wherein, at paragraph nos.4,5 and 6, it is stated as follows:

"4. During pendency of the complaint a compromise was effected in the presence of Panchayatdars and the 4 petitioner had returned the property to me and executed a sale deed bearing Dlc.No.7453 of 2014 dated 13.11.2014 in my favour and requested me not to proceed with the complaint. Accordingly I had given a letter to the first respondent police not to proceed with my complaint and closed the same as not pressed.

5. When the above Crl.O.P. came up for hearing before this Hon'ble Court on 13.04.2016, I was directed to appear before the Hon'ble Court and to file an affidavit of undertaking. hence, this affidavit.

It is therefore prayed that this Hon'ble Court may be pleased to record my affidavit of undertaking to the extent of withdrawal of my complaint dated 04.05.2014 which was registered as FIR No.33 of 2014 pending on the file of the first respondent as against the petitioners herein and pass appropriate orders accordingly and thus render justice."

5 However, on a reading of the FIR, it is seen that the de facto complainant was allotted a plot by the Tamil Nadu Housing Board and after getting the allotment order, the de facto complainant appears to have made certain payments.

6 According to the de facto complainant, he was in North India due to his employment and later, when he came to Tamil Nadu, he learnt that the accused herein had impersonated him and had registered a bogus sale deed on 22.08.2011, in which, the officials of the Tamil Nadu Housing Board have also signed.

7 In a case of this nature, when there has been impersonation by Government officials, the prosecution cannot be quashed on the mere ground that the parties have arrived at a compromise.

In the result, this Criminal Original Petition is dismissed as being devoid of merits. Connected M.P. is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad
To

1 The Inspector of Police
Land Grabbing Special Division
Coimbatore City
Coimbatore

2 The Public Prosecutor
High Court of Madras
Chennai 600 104

2 ccs to Mr.Sampathkumar & Associates, Advocates, sr.41020

CrI.O.P. No.11571 of 2015

rsy co
kra 08.08.2016

सत्यमेव जयते
WEB COPY