

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.21070 of 2016
and M.P.No.9759 of 2016

1.P.Munusamy
2.Boobalan
3.N.G.Mohan
4.Venkatesan

... Petitioners

Vs

The State represented by its
Inspector of Police,
Land Grabbing Special Cell,
Thiruvallur, Thiruvallur District.
Cr.No.24 of 216

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the entire records in connection with proceedings in Crime No.24 of 2016 on the file of the respondent police and quash the same.

For Petitioner :Mr.R.Sankara Subhu
for Mr.M.Gnanasekar

For Respondent :Mr.C.Emalias, APP
Mr.N.Sivakumar

सत्यमेव जयते

O R D E R

This petition has been filed to call for the entire records in connection with proceedings in Crime No.24 of 2016 on the file of the respondent police and quash the same.

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

3. On the complaint lodged by one Thiagarajan, the respondent police have registered a case in Crime No:24 of 2016

u/s 420, 465, 468 and 471 IPC against the petitioners herein, challenging which the petitioners are before this Court for quashing the FIR.

4. The learned counsel for the petitioners submitted that, the FIR does not disclose commission of a cognizable offence and therefore, the same has to be quashed.

5. On a careful reading of the FIR, it is seen that, the father of the complainant is one K.N.Munusamy. The said Munusamy had died as early as 02.10.1992 as disclosed in the typed copy of the FIR that has been filed along with the typed set of papers. While so, it is the allegation of the de facto complainant that the petitioners herein had sold the property impersonating, K.N.Munusamy by a deed of sale dated 04.08.2016 to one Mullai. Learned Counsel for the petitioners submitted that there are several litigations between the parties with respect to the property in dispute.

6. In the considered opinion of this Court, when the FIR prima facie discloses commission of a cognizable offence, the same cannot be quashed, in the light of the judgment of the Supreme Court in State of Haryana V.Bhajan Lal (AIR 1992 SC 604). The learned counsel for the petitioners submitted that the de facto complainant is not the owner of the property and that the description of the property itself differs.

7. Here the allegations against the petitioners is that they had impersonated the deceased Munusamy and had executed sale deed. These are all matters of investigation and it is too premature for this Court to interfere at the threshold for quashing the FIR.

8. In the result, this petition is devoid of merits and the same is dismissed. The respondent police is directed to investigate the matter expeditiously. Connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

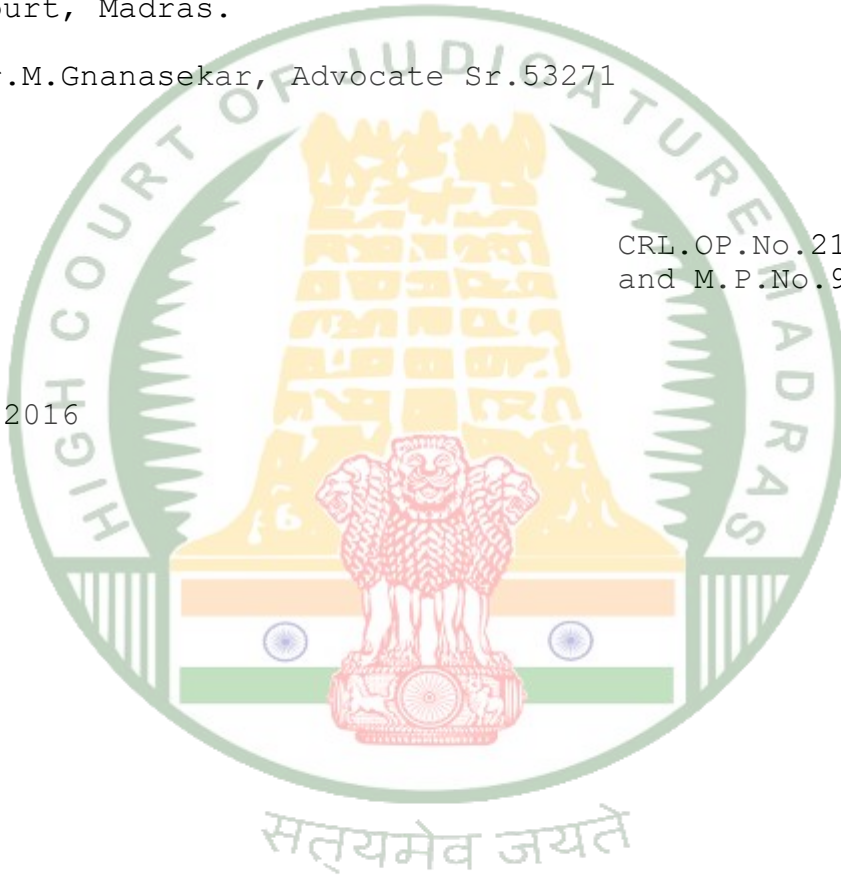
1. The Inspector of Police,
Land Grabbing Special Cell,
Thiruvallur,
Thiruvallur District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Gnanasekar, Advocate Sr.53271

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