

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.26169 of 2010
and MP.No.1 of 2010

A.Vairavel

.. Petitioner

Vs

1.State by

The Inspector of Police,
Coimbatore City Crime Branch,
Coimbatore.

2.V.Suseela

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records comprised in Crime No.53/2010 on the file of the Inspector of Police, Coimbatore City Crime Branch, Coimbatore dated 26.05.2010 and to quash the same.

For Petitioner : Mr.V.Balamurugan
for Mr.V.Ayyadurai

For Respondents : Mr.C.Emalias [for R1]
Additional Public Prosecutor
Mr.N.Anand Venkatesh [for R2]

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in Crime No.53 of 2010 on the file of the respondent police.

2. Heard Mr.Balamurugan, learned counsel for the petitioner; Mr.N.Anand Venkatesh, learned counsel for the de facto complaint and Mr.C.Emalias, learned counsel appearing for the State.

3. On the complaint lodged by Suseela, the respondent Police have registered a case in Crime No.53 of 2010 for the offences under Sections 120(b), 467, 471, 419 & 420 IPC on 26.05.2010 against the petitioner and others, challenging which, the petitioner is before this Court.

4. On a reading of the complaint, it is seen that the property in question belongs to one Valliammal Arunachalam, who is the mother of Suseela, the de facto complainant. It is alleged by Suseela that on 21.03.2007, the document No.930 of 2007 has been registered by impersonating Valliammal Arunachalam in favour of one Prabhakaran for Rs.4,00,000/-.

5. The respondent police have arrested the accused who had impersonated Valliammal Arunachalam on 26.05.2010 and investigation is in progress.

6. Mr.V.Balamurugan, learned counsel appearing for the petitioner submitted that there are several civil litigations pending between the petitioner and the opposite party.

7. In the considered opinion of this Court, when there is an allegation of impersonation in the FIR, the dispute in civil litigations pale into insignificance. Since there are prima facie materials in the complaint for the investigation to proceed, this is not a fit case to quash the FIR, in the light of the law laid down by the Hon'ble Supreme Court in Bajanlal Vs. State of Haryana [AIR 1992 SC 604]

This petition is dismissed with a direction to the respondent Police to complete the investigation in Crime No.53 of 2010 within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To:

1.The Inspector of Police,
Coimbatore City Crime Branch,
Coimbatore.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Anand Venkatesh, Advocate Sr.53937

Cr1.OP.No.26169 of 2010

kk[co]
srg 21/10/2016