

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM

THE HONOURABLE JUSTICE P.N.PRKASH

Crl.OP.No.23892 of 2016

Vijayakumari

.. Petitioner

Vs

1.The Inspector of Police,
E-8, Kelambakkam Police Station
Kanchipuram District.

2.T.Ramesh

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to call for the records in Cr.No.441 of 2014 on the file of E-8 Kelambakkam Police Station, Kanchipuram District to quash the same.

For Petitioner : Dr.G.Krishnamurthy

For Respondent : Mr.C.Emalias [for R1]
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to quash the proceedings in Crime No.441 of 2014 on the file of E-8 Kelambakkam Police Station, Kanchipuram District.

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

3. On a reading of the FIR, it is seen that on a complaint given by one Ramesh, the de facto complainant, a case in Crime No.441 of 2014 have been registered by the respondent police for the offences under Section 120(b), 420, 465, 468, 471 Cr.P.C against Punithammal (A1) and 10 others, challenging which Vijayakumari (A2) is before this Court.

4. It is seen that the land in question originally belonged to one Thulasi. Thulasi's wife Kamalammal had sold 0.96 cents

of land to Punithammal. Thereafter, Punithammal had usurped the land adjacent to her lands that belonged to Thulasi, which was not sold to her and has plotted out the same and sold to various persons. Hence, Ramesh, the de facto complainant who is none other than the son of Thulasi has lodged a complaint with the respondent police and thus the FIR.

5. The learned counsel appearing for the petitioner submitted that after coming to know about it, the sale deeds have been cancelled.

6. These are disputed question of facts which cannot be gone into in a petition under Section 482 Cr.P.C., The Investigating Officer is directed to conduct a thorough investigation and if it is found that the sale deeds have been cancelled, as contended by the accused, it is needless to state that the prosecution against the petitioner/accused should be dropped.

7. With the above observation, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To:

- 1.The Inspector of Police,
E-8, Kelambakkam Police Station
Kanchipuram District.
- 2.The Public Prosecutor,
High Court, Madras.

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