

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM:

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

Crl.O.P. No.25148 of 2016 & Crl.M.P. No.12200 of 2016

M. Kamaraj

Petitioner

vs.

1 The State represented by
the Inspector of Police
District Crime Branch
Land Grabbing Special Cell
Tiruppur
Tiruppur District

2 Priyadarshini

Respondents

Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, seeking to call for the records and to quash the Crime No.29 of 2014 pending on the file of the Inspector of Police, District Crime Branch, Land Grabbing Special Cell, Tiruppur, Tiruppur District.

For petitioner
For R1

Mr. M. Karthikeyan
Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records and to quash the Crime No.29 of 2014 pending on the file of the Inspector of Police, District Crime Branch, Land Grabbing Special Cell, Tiruppur, Tiruppur District.

2 On the complaint lodged by one Priyadarshini, the second respondent herein, the first respondent police registered a case in Crime No.29 of 2014 and thereafter, transferred the case to Central Crime Branch, Tiruppur.

3 It is the case of Priyadarshini that her husband Manikandan got married to one Manimegalai and got divorced from her and thereafter, he married her (Priyadarshini).

4 Admittedly, Manikandan died on 14.12.2012 due to heart ailment. It is alleged by Priyadarshini that the petitioner herein, viz., Kamaraj, her brother-in-law (Manikandan's brother) and her mother-in-law Periyamani, had conspired to get legal heirship certificate in which Priyadarshini's name was not included and on the strength of the said legal heirship certificate, they have mortgaged the property, in which, Manikandan had 50% share. Hence, the FIR.

5 The learned counsel for the petitioner submitted that Priyadarshini never got married to Manikandan because Manikandan was impotent. In support of this contention, he relied upon the petition H.M.O.P. No.192 of 2008 that was filed by Manimegalai on the ground that Manikandan was impotent.

6 Per contra, the first respondent police have filed a counter, wherein, they have gathered enough materials to show that Manikandan

got married to Priyadarshini on 31.08.2010 and she also has delivered a child Hari Pranesh who was born on 06.11.2012.

7 Since there are *prima facie* materials for the investigation to proceed further, this is not a fit case to quash the FIR at the threshold. The first respondent police is directed to thoroughly investigate the case and if it is found that the petitioner is innocent, it is needless to state that further prosecution against him should be dropped.

This Criminal Original Petition is dismissed with the above direction. Connected Crl.M.P. is closed.

28.11.2016

cad

P.N. PRAKASH, J.

cad

To

- 1 The Inspector of Police
District Crime Branch
Land Grabbing Special Cell
Tiruppur
Tiruppur District
- 2 The Public Prosecutor
High Court of Madras
Chennai 600 104

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