

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.29901 of 2012
and M.P.No.1/2012

1.Abdul Kadar Jailani
2.H.Abdul Lasa

..Petitioners

Vs

1.State rep by
The Inspector of Police
District Crime Branch
Kancheepuram, Cr.No.14/2012.

2.K.Duraipandian

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Cr.No.14 of 2012 on the file of the Inspector of Police, District Crime Branch, Kancheepuram and quash the same insofar as petitioners are concerned.

For Petitioners	:	No representation
For R1	:	Mr.C.Emalias, Addl.Public Prosecutor
For R2	:	Mr.Mohammed Yasin

O R D E R

This petition has been filed to call for the records in Cr.No.14 of 2012 on the file of the Inspector of Police, District Crime Branch, Kancheepuram and quash the same insofar as petitioners are concerned.

2. On account of boycott of Courts, there is no representation on the side of the petitioners. However, in Harish Uppal [Ex.Capt.] Vs Union of India reported in [2003] 2 SCC 45, the Hon'ble Supreme Court has held that boycott of Courts is illegal and therefore, this Court went through the records and passed the following order:

3.On the complaint lodged by Duraipandian [second respondent herein], the first respondent police have registered a case in Cr.No.14/2012 on 02.03.2012 for offences u/s 420 and 506(i) IPC

against (1) K.R.Viswanathan [A1], (2) Boologa Pandian [A2], (3) Abdul Kadar Jailani [A3] and (4) Abdul Lasa [A4], challenging which Abdul Kadar Jailani [A3] and Abdul Lasa [A4] are before this Court for quashing the FIR.

4. It is the case of the de facto complainant that he had purchased a property measuring 3415 sq.ft. in S.No.41/6A, 41/5, K.G.Emerald Beach, Plot No. 6-A from one Boologa Pandian [A2], the power of attorney holder of the original owner, for a valuable consideration of Rs.10,50,000/- on 28.06.2004 and was in possession of the same. Some time in February 2012, when the de facto complainant was passing by his property, he was shocked to find some construction activities in his property and therefore, when he questioned, he was told that Abdul Kadar Jailani [A3] was carrying on construction activities and on further questioning, the de facto complainant was threatened. Thus, it is the contention of the de facto complainant that the accused herein had sold the property to him and have usurped the property subsequently.

5. It is the contention of the petitioners/accused 2 and 3 that they had purchased the property for a valuable sale consideration from K.R.Viswanathan [A1] on 06.03.2007 and there is also a suit pending in O.S.No.8657/2011.

6. In the considered opinion of this Court, the fact remains that the property was purchased by the de facto complainant on 28.06.2004 and thereafter, the sale deed dated 06.03.2007 has come into being, under which the petitioners are now claiming title.

In a case of this nature, the FIR cannot be quashed at the threshold since there are allegations of land grabbing in the complaint. Hence, this petition is dismissed with a direction to the respondent police to proceed with the investigation in Cr.No.14/2012 in accordance with law.
gms

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
District Crime Branch Kancheepuram.

2.The Public Prosecutor, High Court, Madras.

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