

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4729 of 2016
and Crl.M.P.No.2498 of 2016

1.K.Mohanambal
2.V.Loganathan

... Petitioners

Vs.

1.State rep. by
Inspector of Police
Thudiyalur police station
Coimbatore District.

2.Rajammal

... Respondents

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to call for records pertaining to the case in Crime No.23 of 2016 on the file of the first respondent police and quash the same.

For Petitioners :Mr.A.Thiyagarajan

For R1 :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition is filed for quashing the proceedings in Crime No.23 of 2016 on the file of the first respondent police.

2.Learned counsel for the petitioners submits that the civil proceedings have already been pending between the petitioners and the second respondent herein. The first petitioner has filed a suit in O.S.No.2285 of 2007 for permanent injunction against the second respondent herein and others, before the Principal District Munsif Court, Coimbatore. A suit has also been filed in O.S.No.1755 of 2011 against the first petitioner and others, before the District Munsif Court, Pollachi. The first petitioner herein has filed a suit in O.S.No.1000 of 2015 for specific performance before the Principal Sub-Court, Coimbatore, against the second respondent herein and obtained injunction. The second respondent has filed a suit in O.S.No.2127 of 2015 against the

petitioners herein, for permanent injunction, before the Principal District Munsif Court, Coimbatore. He further submits that on the basis of the complaint given by the second respondent, the petitioners have been arrayed as accused 1 and 2 in Crime No.23 of 2016 for the offences under Sections 120B, 468, 471, 419, 420 read with 511 IPC. Since the dispute is civil in nature, the petitioners have come forward with this petition to quash the proceedings in Crime No.23 of 2016.

3.Heard the learned Additional Public Prosecutor.

4.On perusal of the typed set of papers, it reveals that the defacto complainant/second respondent herein has filed a suit in O.S.No.2127 of 2015 before the Principal District Munsif Court, Coimbatore, for injunction. In the plaint, she has stated that the suit property is the separate property of herself and her husband. Her husband died intestate leaving behind her as his sole heir on 24.09.1999. But one Mohanambal/the first petitioner herein has filed the suit by concocting some documents. Hence, the second respondent has lodged a complaint before the first respondent police.

5.It is pertinent to note that the second respondent herein has filed CrI.O.P.No.26175 of 2015 before this Court, for a direction to the respondents police to register the complaint filed by her. This Court by an order dated 05.11.2015, directed the respondents to conduct enquiry and register the case, if any cognizable offence is made out. On that basis, the case has been registered in Crime No.23 of 2016 for the offences under Sections 120B, 468, 471, 419, 420 read with 511 IPC, on 14.01.2016. Since the case has been registered only on 14.01.2016, it is too premature to consider the petition at this stage. Hence, this Criminal Original Petition is dismissed, as it is premature. Consequently, connected Miscellaneous Petition stands closed.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

To

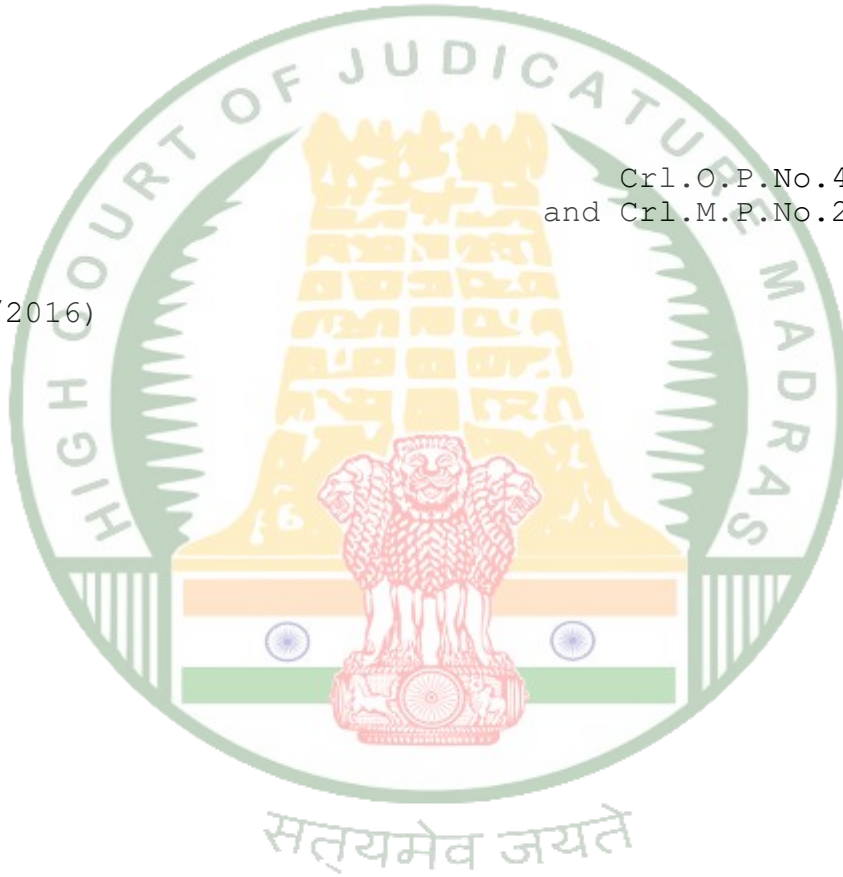
1. Inspector of Police
Thudiyalur police station
Coimbatore District.

2. The Public Prosecutor
High Court, Chennai.

1cc to Mr.A.Thiyagarajan, Advocate sr.13700

Crl.O.P.No.4729 of 2016
and Crl.M.P.No.2498 of 2016

1rs (CO)
srg (17/03/2016)



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