



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P.(MD)No.14179 of 2016

and

Crl.M.P(MD)No.6630 of 2016

M.Govindan

.. Petitioner

Vs.

1.The State of Rep by
The Inspector of Police,
Balamedu Police Station,
Madurai District,
(Crime No.102 of 2016)

2.Kanakammal

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the First Information Report dated 06.06.2016 in Crime No.102 of 2016 on the file of the 1st respondent and quash the same as illegal and devoid of merits.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel for
Mr.M.Jegadeesh Pandian

For 1st Respondent : Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

ORDER

This petition has been filed by the petitioner/third accused, seeking to quash the First Information Report dated 06.06.2016, registered in Crime No.102 of 2016 on the file of the first respondent under Sections 420, 465, 467, 468, 471 r/w 120-B IPC.

2. The case has been registered against eight persons and the petitioner herein is the third accused.

3. The learned Senior Counsel appearing for the petitioner would submit that in respect of the release deed and sale deed dated 24.03.2007 and 11.05.2007 respectively, the petitioner has assisted the parties in drafting the documents and in respect of which, no offence could be alleged against the petitioner herein. It is also



brought to the notice of this Court that even though a similar complaint of this nature was preferred in the year 2013, where this petitioner was not arrayed as accused and no allegation was made against the petitioner. It is also stated that for extraneous reasons, the prosecution has registered a case against the petitioner herein. Therefore, the FIR registered in Crime No.102 of 2016 as against the petitioner is liable to be quashed.

4. The learned Government Advocate (Crl.,Side) appearing for the first respondent would submit that on enquiry and on finding that the petitioner has no role in the registration of those documents, referred supra, the name of the petitioner has been deleted from the FIR.

5. Recording the submission made, this Criminal Original Petition is allowed.

6. It is represented by the learned Senior Counsel for the petitioner that since the complaint is found to be false so far as the petitioner is concerned, direction may be given to take appropriate action against the concerned person, who set the criminal law in motion.

7. Accepting the submissions made on behalf of the petitioner, this Court directs the 1st respondent police to initiate criminal proceedings against the 2nd respondent / defacto complainant, who initiated criminal proceedings against the petitioner by preferring this false complaint. Connected Crl.M.P(MD)No.6630 of 2016 is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Inspector of Police,
Balamedu Police Station,
Madurai District,
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.JEGADEESH PANDIAN, ADVOCATE IN SR No. 43483

MJ/AR
TE/SKS-RR : 07/11/2016 : 2P/4C