



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.03.2017

CORAM:
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.3459 of 2017
and
Crl.M.P.(MD)No.2597 of 2017

1.P.T.Balasubramanian
2.B.Ulagamani : Petitioners

-Vs-

1.State rep.by,
The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin.
(Crime No.20 of 2017).

2.M.Mariappan : Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to pass an order to call for records pertaining to the case in Crime No.20 of 2017 on the file of the respondent police and quash the same.

For Petitioners : Mr.A.Gandiappan
For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by the second respondent, the first respondent has registered a case in Crime No.20 of 2017 on 02.02.2017 under Sections 120-B, 469 and 471 of the Indian Penal Code against the petitioners herein, challenging which, the petitioners are before this Court for quashing the First Information Report.

2. The learned counsel for the petitioners submitted that the petitioners had obtained only a valid patta from the Tahsildar, based on the document No.2978/13 and that the dispute is entirely civil in nature.

3. Per contra, on a reading of the First Information Report, it is specifically alleged by the *defacto* complainant that the property in Survey Nos.320/3 and 321/7 belongs to his forefathers and that the first petitioner, who had no right in the said property, had created a document in No.2978/13, in which, Survey No.321/7 has been shown in the Schedule. On the strength of this document, it is alleged that the petitioners had obtained patta.



4. In the considered opinion of this Court, when the First Information Report *prima facie* discloses the commission of the cognizable offence, the same cannot be quashed, in the light of the law laid down by the Supreme Court in **AIR 1992 SC 604 [State of Haryana v. Bhajan Lal]**.

5. In the result, this Criminal Original Petition is dismissed with a direction to the respondent police to conduct a thorough investigation and during the course of investigation, if it is found that the petitioners have not committed any offence, it is needless to state that further action against them should be dropped or *inter alia*, if it is found otherwise, a final report should be filed against them. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Inspector of Police,
Tharuvaikulam Police Station,
Tuticorin.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO MR.A.GANDIAPPAN,ADVOCATE,SR NO.17865

SML
MAS/SV-MMS/SAR3:10.04.2017:2P-4C

Order made in
CRL.O.P.(MD)No.3459 of 2017
Dated: 24.03.2017