



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2017

CORAM

WEB COPY

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

**Crl.O.P.(MD) No.6635 of 2017
and Crl.M.P.No.4338 of 2017**

A.Nagarajan

... Petitioner

-vs-

State represented by

1.The Inspector of Police,
Special Cell for Anti Land Grabbing
District Crime Branch,
in Cr.No.18 of 2014
Ramnad District

2.N.Sankaran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to Cr.No.18 of 2014 on the file of the 1st respondent police and quash the same as illegal insofar as petitioner is concerned.

For Petitioner : Mr.A.Prasanna Rajadurai
for Mr.S.Muthalraj

For Respondent-1 : Mr.K.Anbarasan
Government Advocate (Crl. side)

O R D E R

On the complaint lodged by Mr.N.Sankaran, the respondent police registered a case in Crime No.18 of 2014 on 05.05.2014 under Sections 420, 423, 465, 468, 471 r/w 120(b) IPC against Ramadoss (A1), Sannasi(A2) and Potti Nagaraj (A3), Challenging which, Potti Nagaraj is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the 1st respondent.

3. It is the case of the de-facto complainant that the accused named in the FIR had entered into a criminal conspiracy and had dealt with the properties belonging to him illegally.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned counsel for the petitioner submitted that



the petitioner was only a document writer and he cannot be mulcted with criminal liability. The learned counsel for the petitioner further submitted that the petitioner had not prepared the said documents.

5. A reading of the FIR shows that the petitioner had prepared the documents for the other accused and this aspect requires a thorough investigation. In a quash application, disputed question of facts cannot be gone into by this Court.

6. On instructions, the learned Government Advocate (Crl. side) submitted that the police have filed an alteration report on 01.05.2017 altering the offences into one under Sections 420, 468 read with 120(b) IPC and investigation is in progress.

7. In view of the law laid down by the Supreme Court in **State of Haryana and others v. Bhajan Lal** and others reported in **1992 Supp (1) SCC 335**, this Court cannot interfere at this stage and quash the FIR. Hence, this petition is dismissed with a direction to the respondent police to complete the investigation expeditiously. Whatever observed herein is only for the limited extent of deciding this quash application. If during the course of investigation, it is found that the petitioner was not involved in the offence, it is needless to state that further action against him shall be dropped. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To:

1.The Inspector of Police,
Special Cell for Anti Land Grabbing
District Crime Branch,
Ramnad District

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to MR.Na.Palaniyandi , Advocate in SR.No. 58676

RR

AE/JC/SAR3/16.06.2017/2P/4C