



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.9227 of 2017

and

CRL.MP.(MD)No.6274 of 2017

1.K.Lakshmi Narasimha Murthy

2.K.Lalitha

.. Petitioners/Accused Nos.1 & 2

-Vs-

1.The State represented by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.269 of 2017)

.. 1st Respondent/Complainant

2.APK.Palaniselvam

.. 2nd respondent/defacto complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the entire records pertaining to the Crime No.269 of 2017 dated 02.05.2017, on the file of the first respondent police and quash the same as illegal.

For Petitioners	: Mr.J.Jeyakumaran
For 1 st respondent	: Mr.K.Anbarasan
	Government Advocate(Crl.Side)

O R D E R

This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the entire records pertaining to Crime No.269 of 2017 dated 02.05.2017, on the file of the first respondent police and quash the same as illegal.

2.Heard, Mr.J.Jeyakumaran, the learned counsel appearing for the petitioners and Mr.K.Anbarasan, learned Government Advocate (Crl.Side) appearing for the first respondent.

3. The case of the petitioners is that the second respondent/de-facto complainant has preferred a complaint against the petitioners and the case was registered by the respondent police for the offences punishable under Sections 406, 420 and 506 (ii) of I.P.C. The case of the defacto complainant in the FIR is that the petitioners approached the defacto complainant and offered a property belonged to the petitioners to the defacto complainant and the defacto complainant has received a sum of Rs.90,00,000/- (Rupees ninety Lakhs only) as advance and the petitioners have agreed to execute the sale deed within a period of three months.



4. The case of the defacto complainant is that the petitioners refused to execute the sale deed to the defacto complainant as agreed earlier and threatened the defacto complainant with dire consequences.

5. The petitioners denied the version of the defacto complainant and has come forward with this petition with a different story. The fact that there was an agreement between the petitioners and the defacto complainant, is evident by a written sale agreement. Though the truth and validity of the sale agreement is in dispute, the proof of the said document will certainly lead to influence that the petitioners have committed the offence under Section 420 of I.P.C.

6. In such circumstances, the petitioners have come forward with a case denying the said agreement and placing upon certain materials, which only indicate that the case of the defacto complainant is not probable and cannot be countenanced at this stage as the allegations in the present petition requires proof. It is open to the petitioner to produce any documents or evidences to dislodge the case of the defacto complainant at the time of enquiry.

7. However, this Court cannot quash the First Information Report in Crime No.269 of 2017, on the basis of such probability. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P.(MD)No.9227 of 2017

DAS/PJL