

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.7226 of 2018
and CrI.M.P.No.3729 of 2018

1.K.Manivarma
2.K.M.Hariharan
3.K.M.Narayanan
4.K.M.Vanitha

...Petitioners

Vs

1.State Rep. by its
The Inspector of Police,
District Crime Branch,
Thiruvannamalai District.

2.Arumugam

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Crime No.6 of 2018 on the file of first respondent and quash the same.

For Petitioner :Mr.R.Shivakumar

For Respondent :Mr.C.Iyyappa Raj,
Additional Public Prosecutor fro R1
Mr.A.Nagarajan, for R2

ORDER

It is the case of the Petitioners that on the complaint lodged by the second respondent, the first respondent has registered a case in Crime No.6 of 2018 on 14.02.2018 under Sections 465, 468, 471, 420 and 120(B) of IPC, against the accused herein, for quashing which, the accused are before this Court.

2. Heard Mr.R.Shivakumar, learned counsel for the petitioners and Mr.Iyyappa Raj, learned Additional Public Prosecutor for the respondents and Mr.S.Ramesh, Inspector of Police, DCB, Thiruvannamalai, is present before this Court.

3. It is the case of the defacto complainant that some time in the year 2013, the accused agreed to sell the property in T.S.No.1891/1A1(2 acres) for Rs.1,61,50,000/- and obtained

the said money, but on scrutiny, the defacto complainant came to know that part of the said land only belonged to the accused and the remaining land belonged to Murugan temple.

4. Learned counsel for the accused submitted that the entire allegations are false and that he has not made any representation to the defacto complainant as alleged in the complaint and he has also not received Rs.1,16,50,000/-.

5.Per contra, Mr.A.Naagaraj, learned counsel for the defacto complainant submitted that the sum of Rs.1,16,50,000/- has been paid to the accused for purchasing of the said land, however, the part of the said land belonged to Murugan Temple.

6.The learned Additional Public Prosecutor submitted that as of now, the defacto complainant has not produced any agreement as to show that the accused has agreed to sell the land and received a sum of Rs.1,16,50,000/- and that the defacto complainant is asserting that he had paid such a huge amount by cash. The learned Additional Public Prosecutor further submitted that the accused has issued three cheques to the defacto complainant and those three cheques have been bounced subsequently.

7.Learned counsel for the accused submitted that those three cheques are not related to the transactions alleged in the FIR and they were related to yet another transaction which has been admitted by them in their reply notice. Since these are disputed question of facts, the same cannot be gone into in the quash application.

8.Hence, this application is closed with a direction to the respondent police to investigate the case thoroughly and if it is found during investigation that there are no incriminating materials against the accused, it is needless to state that further proceedings should be dropped.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
District Crime Branch,
Thiruvannamalai District.

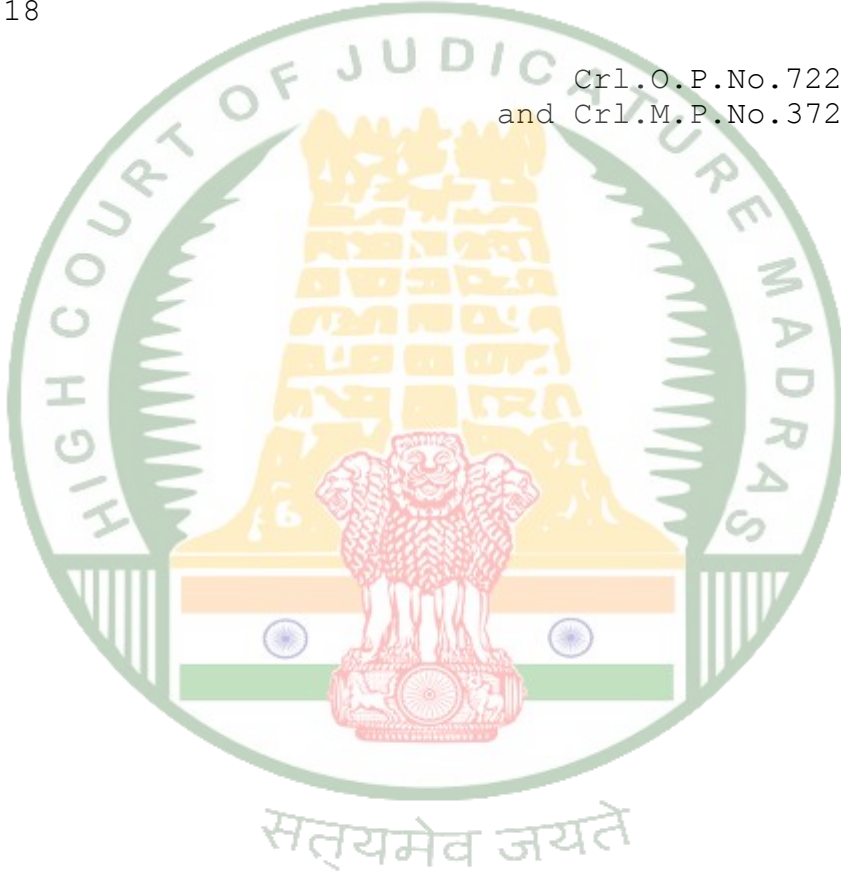
2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.M.Vijayan Associates, SR.NO.54362

+lcc to Mr.K.R.Rameshkumar, Advocate SR.NO.54617

sm:30.8.2018

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