

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.04.2018

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.10304 of 2018

and

Crl.M.P.No.5264 of 2018

Rathnakumar

...Petitioner /Accused 10

Vs

1. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
(Crime No.71 of 2018)

2. Suseela

...Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in connection with entire records relating to the First Information Report in Crime No.71 of 2018 on the file of the respondent police and quash the same in so far as the petitioner.

For Petitioner : Mr.V.Veluchamy

For Respondent 1 :Mrs.Kritika Kamal.P,
Government Advocate (Crl. Side)

ORDER

This petition has been filed to quash the proceedings in Crime No.71 of 2018 on the file of the respondent police.

2.One Suseela lodged a complaint with the respondent Police and thereafter, filed Crl.O.P.No.1427 of 2018, for a direction to the police to register an FIR, based on which, this Court, by order dated 19.01.2018, issued the following directions:

1) If the information received by the 2nd respondent discloses commission of the cognizable offence, then, the same shall be forthwith registered.

2) If an information received does not disclose a cognizable offence, the 2nd respondents shall conduct a preliminary inquiry to ascertain whether cognizable offence is disclosed therein or not and such inquiry shall be completed within a period of fifteen days from the date of information.

3) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered, if not already registered or closed.

4) If the preliminary inquiry ends in closing the complaint, the closure report must be recorded along with the reasonings and a copy of the same shall be furnished to the complainant within one week.

5) All information relating to cognizable offences whether resulting in registration of FIR or leading an inquiry must be reflected in the general diary/ station."

3. On the strength of these directions, the respondent Police have registered a regular FIR in Crime No.71 of 2018 on 07.03.2018 under Sections 465, 468, 471 and 420 of IPC against Purushothaman and 11 others. For quashing which, Rathnakumar (A10) is before this Court.

4. Heard Mr.V.Veluchamy, learned counsel appearing for the petitioner and Mrs.Kritika Kamal.P, learned Government Advocate (Criminal Side) appearing for the 1st respondent.

5. The learned counsel appearing for the petitioner/A10 submitted that the complaint does not disclose the commission of cognizable offence, despite which, the Police have mechanically registered an FIR on the erroneous premise that this Court had issued a positive direction in Crl.O.P.No.1427 of 2018. It is the case of the prosecution that the property in question originally belonged to one Raji Krishna Naidu; that after the death of Raji Krishna Naidu, the property devolved upon his children namely, S.R.Nagarajan and 6 daughters; that one of the daughters filed a Partition suit in O.S.No.154 of 2010, in which, a Preliminary Decree was passed on 26.08.2011; that pursuant to the Preliminary Decree, the property was divided into 1/14 shares; that S.R.Nagarajan died leaving behind his wife Vijaya lakshmi; that vijayalakshmi bequeathed her share of the property by a registered Will dated 04.02.2013 in favour of her brothers Jayaraman and Purushothaman; that after the death of Vijaya lakshmi, the petitioner/A10 purchased the property from the legal heirs of Jayaraman and Purushothaman, by three Sale Deeds dated 14.08.2015, 07.03.2016 and 07.03.2016.

6. In other words, the vendors of A10 are claiming title via., the Will left by Vijaya lakshmi. This is not a case of impersonation. As rightly contended by the learned counsel appearing for the petitioner, this is purely title dispute, which could be settled only in Civil Court.

7. However, this Court does not want to quash the FIR and instead, this Court directs the respondent police to take all these factors into consideration and complete the investigation in Crime No.71 of 2018 within a period of three months from the date of receipt of a copy of this order and close the case, if the same does not disclose the commission of any offence.

With the above directions, this Criminal Original Petition is closed. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mps/vum

To

1. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Veluchamy Advocate sr 24443

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