

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 02.07.2018
Pronounced on : 05.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15354 of 2011
and
M.P.No.1 of 2011

1.Thulasidoss,
S/o.Venkatesa Reddy.

2.Vengamma,
W/o.Thulasi Doss.

... Petitioners/Accused

Vs.

The Inspector of Police,
T11 Thiruninravoor Police Station,
Thiruninravoor - 602 024,
Crime No.116 of 2009.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in C.C.No.414 of 2010 pending on the file of the Judicial Magistrate Court No.2, Thiruvellore in Crime No.116 of 2009 on the file of the respondent.

For Petitioners: Mr.P.Kumaresan

For Respondent : Ms.M.Saratha Devi
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition is filed to call for the records and quash the proceedings in C.C.No.414 of 2010 pending on the file of the Judicial Magistrate Court No.2, Thiruvellore in Crime No.116 of 2009 on the file of the respondent.

2.The petitioners herein had filed the quash petition to quash all the proceedings in C.C.No.414 of 2010 pending on the file of the Judicial Magistrate Court No.2, Thiruvellore, for the offences under Sections 419, 420, 465, 467, 468 r/w 471 & 34 of the Indian Penal Code.

3.The facts of the case is that the informant, who is doing real estate business and the first petitioner approached the informant and informed that he is having two acres of land in his wife's name and he proposed to dispose of the same. Believing the first petitioner's representation the informant had taken both the petitioners to the Sub-Registrar Office, wherein the second petitioner executed a general Power of Attorney for the land measuring 1.10 Acres in S.No.124/3 and 124/4A, Thiruninravoor Village which was registered in Document No.1252 of 2006. The second petitioner had received Rs.22,00,000/- (Rupees Twenty two lakhs only) and issued a receipt. Thereafter, on 20.12.2006, again the second petitioner executed another Power of Attorney in the name of the informant for the land measuring about 0.58 Cents in S.No.124/1, Thiruninravoor Village which was registered in Document No.1997/2006, for which also consideration was received by the second petitioner, who had issued a receipt for the same. For the same Survey number and lands there were earlier documents which also turned to be forged. Against which the respective land owners have preferred a complaint which was registered in Crime No.134 and 135 of 2008. The Crime number pertaining to this case is Crime No.116 of 2009. Hence, the second FIR is registered for the same set of facts and similar in nature is bad in law is the issue in the quash petition.

3.The thrust of the petitioners is that Crime No.116 of 2009 registered and investigated by the respondent/Police. The same respondent/Police had also registered two other FIRs' in Crime Nos.134 and 135 of 2008 registered on 11.03.2008. Both the FIRs' registered under Sections 419, 420, 465, 467 r/w 471 and 120 (b) of the Indian Penal Code.

4.The contention of the learned counsel for the petitioners is that the facts and issues involved in Crime No.116 of 2009, Crime No.134 of 2008 and Crime No.135 of 2008 registered and investigated by the respondent/Police are similar in nature and that there cannot be two FIRs' for the same set of facts and hence, the Crime No.116 of 2009, which culminated as C.C.No.414 of 2010 is to be quashed, since the Crime No.116 of 2009 is the second FIR for the same set of facts for the offences similar in nature as that of the Crime Nos.134 of 135 of 2008.

5.The learned Government Advocate appearing for the respondent/Police had submitted a report filed by the respondent/Police in which it had been mentioned that Crime No.134 of 2008 was registered for the offences under Sections 419, 420, 465, 467 r/w 471 and 120 (b) has been closed as "Action dropped" on 30.09.2009. As also Crime No.135 of 2008 was registered for the offences under Sections 419, 420, 465,

467 r/w 471 and 120 (b) has been closed as "Action dropped" on 21.10.2010. In such circumstances, the points raised by the petitioners are not sustainable. Hence, the petition filed by the petitioners is to be dismissed.

6.Thus, without going into the merits of the case, since as it is submitted that Crime No.134 and 135 of 2008 have been closed as "Action dropped". The contention of the petitioner does not merit consideration. The quash petition is dismissed.

7.On perusal of the final report, it is seen that there are 10 witnesses, LW1 to LW10 have been cited. In this view of the limited witnesses and documents and the case is pending from the year 2010. The trial Court is directed to complete the trial, within a reasonable time as expeditiously as possible, within a period of six months from the date of receipt of the copy of this order.

8.In view of the above, the Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. Post the Criminal Original Petition for reporting compliance.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate No.2,
Thiruvellore.

2.The Inspector of Police,
T11 Thiruninravoor Police Station,
Thiruninravoor - 602 024,
Crime No.116 of 2009.

3.The Public Prosecutor,
High Court, Madras

Cr1.O.P.No.15354 of 2011

KJI (CO)
SP(17/07/2018)