

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.11.2018

CORAM:
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.Nos.4947 & 20365 of 2014

M.P.Nos.1 & 2 of 2014

Senthamizhselvi

.. Petitioner
in Crl.O.P.No.4947 of 2014

.Vs.

Station House Office,
District Crime Branch,
Cuddalore, Cuddalore Taluk,
Cuddalore District.

.. Respondent
in Crl.O.P.No.4947 of 2014

1.Senthamizhselvi
2.M.R.Uma Maheswari
3.Ramachandran

.. Petitioners
in Crl.O.P.No.20365 of 2014

.vs.

1.The State represented by
Station House Officer,
District Crime Branch,
Cuddalore.

2.R.Selvarani

3.V.Madhanaselvi

4.M.Natarajan

.. Respondents
in Crl.O.P.No.20365 of 2014

PRAYER in Crl.O.P.No.4947 of 2014 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and set aside the order dated 11.12.2013 passed in Crl.M.P.No.2971 of 2013 in C.M.P.13 of 2013, on the file of the Principal District and Sessions Judge, Cuddalore.

PRAYER in Crl.O.P.No.20365 of 2014 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash FIR in Crime No.51 of 2011 dated 7.09.2011 registered with the 1st respondent.

For Petitioner : Mr.R.Gururaj
(both Crl.OPs)

For Respondents : Mr.M.Mohamed Riyaz, APP
(both Crl.OPs)

COMMON ORDER

Crl.O.P.No.4947 of 2014 has been filed challenging the order passed by the Court below dismissing the petition filed by the petitioner under Section 91 of Cr.P.C to issue summons to the Sub Registrar, Puduchathiram, to produce the sale deed executed by the defacto Complainant in favour of one C.Natarajan. Crl.O.P.No.20365 of 2014 has been filed by the petitioners seeking to quash the FIR.

2.The Court below has dismissed the Petition filed by the petitioners viz; on the ground that if the matter has already been compromised between the parties, the de-facto Complainant has to give a statement to that effect. While investigation is pending, the accused person will not have any right to file a petition of this nature.

3.The petition filed for quashing the FIR is also on the very same ground that the property has already been sold by the de-facto Complainant in favour of one C.Natarajan on 28.02.2013.

4.In the course of investigation, the accused has no locus standi to move an application under Section 91 of Cr.P.C. Whenever materials are available with the accused persons, it can always be submitted to the Police and the Police in course of investigation will have to ascertain the true facts. By filing these two petitions, the FIR has been kept pending for the last five years. This Court does not find any ground to interfere with the order passed by the Court below.

5.Both the Criminal Original Petitions are disposed of with a direction to the respondent Police to complete the investigation within a period of three months, and file a final report or a closure report as the case may be. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Principal District and Sessions Judge,
Sessions Court, Cuddalore.

2.Station House Officer,
District Crime Branch,
Cuddalore.

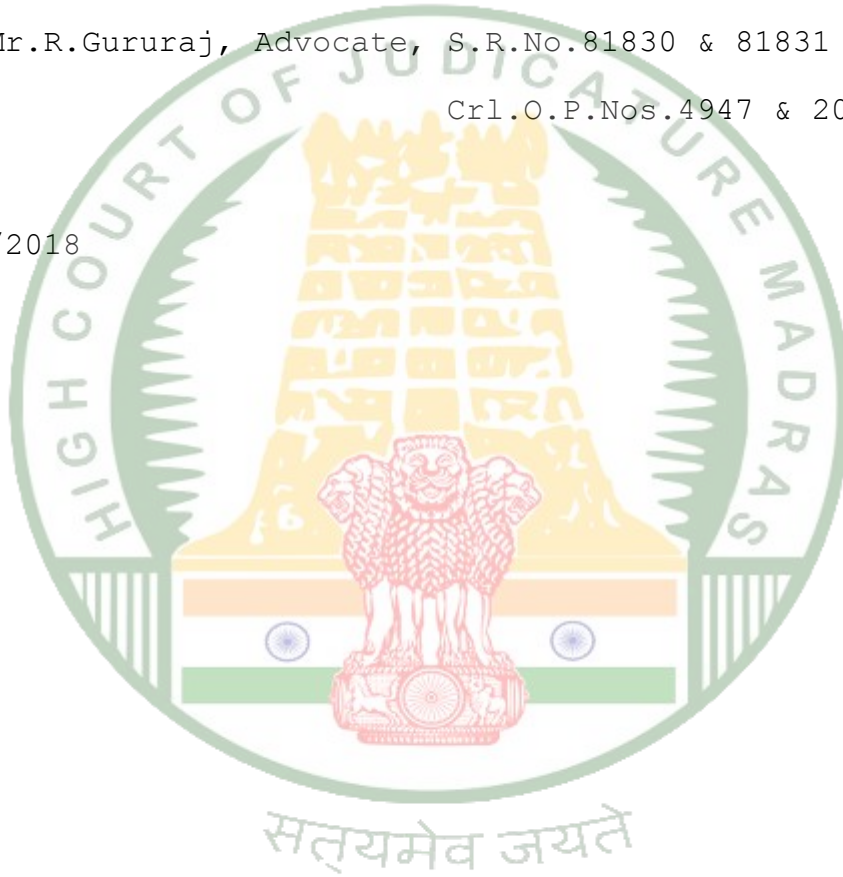
3.The Public Prosecutor,
High Court, Chennai.

+2ccs to Mr.R.Gururaj, Advocate, S.R.No.81830 & 81831

CrI.O.P.Nos.4947 & 20365 of 2014

SAI (CO)

rrs 13/12/2018



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