

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.O.P.No.24364 of 2018
and
CrI.M.P.No.13815 of 2018

1. V.T.Pathmanabhan
2. R.Chandran Jeyapal
3. M.Marithangam ... Petitioners

Vs

1. State Rep. By
The Inspector of Police,
Central Crime Branch, EDF-II,
Team IX (A), Vepery,
Chennai - 7.
2. V.Anantharaj ... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in Crime No.349 of 2018 on the
file of the 1st respondent police and quash the same.

For Petitioners : Mr.C.P.Palanichamy

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call
for the records in Crime No.349 of 2018 on the file of the 1st
respondent police and quash the same.

2.On the complaint lodged by Anantharaj, the 2nd
respondent herein, the 1st respondent police have registered a
case in Crime No.349 of 2018 on 14.08.2018 for the offences
under Sections 406, 420 and 120B IPC against the petitioners
herein, for quashing which, the petitioners are before this

Court.

3.Heard Mr.C.P.Palanichamy, learned counsel for the petitioners/accused and the learned Additional Public Prosecutor appearing for the 1st respondent police.

4.Today, Mr.K.Chellappan, Sub Inspector of Police, Central Crime Branch, Chennai, is present before this Court.

5.It is the case of the de facto complainant that Nellai Thoothukudi Nadar Mahamai Paripalana Sangam, which is an association, is administering several schools and lodging houses in Tamil Nadu for the welfare of the people belonging to their community. The accused in this case, who also belong to the same community have floated a Trust, in parallel, in the same name and have had it registered as Document No.191/2014, with the idea of usurping the proceeds from the schools and lodging houses.

6.Mr.C.P.Palanichamy contended that the said Trust was registered pursuant to the resolutions dated 10.09.2013 and 30.04.2014, passed by the General Body of the Association, in order to simplify the administration of the educational institutions. He also contended that the said Trust has been closed on 09.09.2016, after the approval of the Executive Committee of the Association.

7.Per contra, the learned Additional Public Prosecutor submitted that there is another case pending as against the petitioners in Crime No.348 of 2018, for the offences under Sections 406, 465, 468, 471, 477A, 120B IPC.

8.It is also brought to the notice of this Court that on the complaint given by the 1st petitioner herein, an FIR has been registered in Crime No.345 of 2018 on 13.08.2018, for the offences under Sections 406, 465, 468, 471, 477A, 120B IPC against the rival faction and investigation in this case is also pending.

9.On a conspectus of the facts obtaining this case, it appears that there are allegations and counter allegations with regard to the properties owned by the Sangam, which require thorough investigation. Disputed questions of fact cannot be looked into, in a quash application. When there are prima facie materials, the FIR cannot be quashed in the light of the law laid down by the Supreme Court in State of Haryana v. Bhajan Lal & Others [AIR 1992 SC 604 : 1992 Supp (1) SCC 335].

Hence, this Criminal Original Petition is closed with a direction to the Assistant Commissioner of Police, Central Crime

Branch, Chennai, to investigate the cases in Crime Nos.345, 348 and 349 of 2018 and during investigation, if it is found that the petitioners herein are not involved in the offences in Crime No.349 of 2018, it is needless to state that further action against them shall be dropped. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

mkn/ssr

To

1. The Assistant Commissioner of Police,
Central Crime Branch,
Chennai.
2. The Inspector of Police,
Central Crime Branch, EDF-II,
Team IX (A), Vepery,
Chennai - 7.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.P.Palanichamy, Advocate SR.No.71708

GMV (29/10/2018)

Cr1.O.P.No. 24364 of 2018

सत्यमेव जयते
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