IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No. 26086 of 2018
and Crl.M.P.Nos.14640 and 14975 of 2018

1. L.Arumugam
2. Mrs.V.Susila ...Petitioners

Vs.

1. The State rep.by:
   The Inspector of Police
   Land Grabbing Prohibition Cell,
   (In-charge of District Crime Branch),
   Thiruvallur District.

2 G.T.Venkataramani ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the F.I.R. in Crime No.19 of 2018 dated 25.09.2018, pending on the file of 1st respondent/complainant.

For Petitioners : M/s.R.Thanjan

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the F.I.R. In Crime No.19 of 2018 pending on the file of the 1st respondent.

2. The learned counsel for the petitioner would submit that the 1st respondent ought not to have registered an F.I.R since, there were absolutely no documents produced by the defacto complainant in order to prove that he is the owner of the property, which is a subject matter of the complaint. The learned counsel for the petitioner would further submit that the property owned by the petitioners have nothing to do with the property about which the complaint has been given by the 2nd respondent. The learned counsel for the petitioner would further submit that even without verifying this fact, the 1st respondent has mechanically registered the F.I.R. On these grounds, the learned counsel for the petitioner would submit that the F.I.R. needs to be quashed.

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3. The learned Additional Public Prosecutor on instructions would submit that the 1st respondent Police is investigating the case by verifying the relevant documents. That apart the 1st respondent police is also taking into consideration, the patta that has been issued by the concerned Revenue Officer. According to the learned Additional Prosecutor, the entire case is borne out by records and therefore the 1st respondent Police will be able to complete the investigation within a short time and either file a final report or a closure report, as the case may be.

4. The grounds that have been raised by the learned counsel for the petitioners are factual in nature. This Court in exercise of its Jurisdiction under Section 482 of Cr.P.C., cannot conduct a mini investigation. It is better left to the Jurisdiction of the respondent Police who shall verify all the relevant documents in the course of investigation and thereafter take a decision with regard on filing of a final report in this case.

5. In the facts and circumstances of the case, this court is not inclined to interfere with the investigation at this stage. The criminal Original Petition is disposed of with a direction to the 1st respondent police to complete the investigation within a period of two months and either file a final report or a closure report as the case may be before the concerned Jurisdictional Court.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

LPP/kmm
To
1. The Inspector of Police
Land Grabbing Prohibition Cell,
(In-charge of District Crime Branch),
Thiruvallur District.

2. The Public Prosecutor,
High Court,Madras.

+1cc to Mr.R.Thanjan, Advocate, S.R.No.77854

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SS(CO)
SSM(30/10/2018)

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