

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P. No.26837 of 2018
and
Cr1.M.P.No.15477 of 2018

1.B.Natarajan

2.B.Murthy @ Loganathan

3.N.Naresh Kumar

... Petitioners /Accused 4,5,6

Vs.

1.State by
Inspector of Police,
Central Crime Branch,
Chennai.

... Respondent/Complainant

2.Guruswamy Pandian.

... Respondents/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to quash the FIR in Cr. No.115 of 2018 on the file of the Inspector of Police, Central Crime Branch, Team-2, Chennai.

For Petitioners : Mr.S.Dhanasekaran
For Respondents : Mr.C.Raghavan
Government Advocate for R1
: No appearance for R2

O R D E R

This petition has been filed seeking to quash the FIR in Crime No.115 of 2018 pending on the file of the respondent police.

2.The petitioners have been added as A4 to A6 in the FIR.

The FIR has been registered as against these accused persons in Crime No.115 of 2018 for an alleged offence under Sections 419, 465, 468 and 120(b) I.P.C.

3.The learned counsel for the petitioners would submit that the entire allegations in the FIR is against A1 to A3 and insofar as these petitioners are concerned, the only allegation that has been made in the complaint is that these petitioners are attempting to trespass into the property and grab the property. The learned counsel would further submit that the property in question has been categorised in the Revenue Records as belonging to village people and it does not exclusively belong to any person. Therefore, the claim made by the de-facto complainant that the property belongs to him is totally unsustainable and therefore, the very basis on which, the complaint has been filed becomes questionable. Therefore, the learned counsel would submit that the FIR has to be quashed insofar as these petitioners are concerned. The learned counsel would further submit that a Civil Suit is pending between the parties.

4.The learned Government Advocate on instructions would submit that these petitioners have been added in the FIR and the respondent police is proceeding further with the investigation, based on the confession given by A2 against these petitioners. The learned Government Advocate also placed before this Court the confession statement given by A2 to the respondent police. The learned Government Advocate would submit that the investigation is in a crucial stage and this Court should not interfere with the investigation at this stage.

5.The grounds raised by the petitioners are factual in nature. The nature of the land in question, the effect of confession given by A2 as against these petitioners and the claim made by the second respondent to the effect that he is the owner of the property, are all matters to be investigated by the respondent police. This Court in exercise of its jurisdiction under Section 482 of Cr.P.C, cannot conduct a mini investigation. It is left open to the parties to place all the materials before the respondent police, who will consider the same before filing the report before the concerned Court.

6.On the facts and circumstances of the case, this Court is not inclined to interfere with the FIR at this stage. The respondent police shall take into consideration the claims put forth by all the parties and come to a conclusion at the time of filing of the final report. The respondent police shall complete the investigation within a period of six months and file a final report or closure report, as the case may be.

7.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ia/vsg1
To

1.The Inspector of Police,
Central Crime Branch,Team-2,
Chennai.

2.The Public Prosecutor
Madras High Court, Chennai.

+3cc to Mr.S.Dhanasekaran, Advocate, S.R.No.78724

Cr1.O.P.No.26837 of 2018

VBA (CO)
GSP (03/12/2018)



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