



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.09.2018
CORAM:
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.[MD].No.1287 of 2014

WEB COPY

1.E.Gopalakrishnan
2.M.Kalyani
3.S.A.Ibrahim : Petitioners/Accused Nos.1 to 3

Vs.

1.The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
(Crime No.51 of 2013) : 1st Respondent/Complainant

2.Puthiyaval : 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the impugned FIR dated 14.02.2013 in Crime No.51 of 2013, on the file of the first respondent and quash the same.

For Petitioners : Mr.V.Sasikumar
For R-1 : Mr.V.Neelakandan
Additional Public Prosecutor
For R-2 : No Appearance

ORDER

The Criminal original petition has been filed seeking to quash the First Information Report in Crime No.51 of 2013, on the file of the Inspector of Police, Ambasamudhram Police Station, Tirunelveli.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. In the complaint, the second respondent alleged that the first petitioner is the brother of the second respondent/de-facto complainant and the second petitioner is the relative of the first petitioner and the third petitioner is the friend of the first petitioner herein. The second respondent/de-facto complainant's husband died on 14.04.1990. On 30.11.1990, the second respondent purchased a property in survey No.84 measuring to extent of 1 acre 51 cents and after purchase, the second respondent is in possession and enjoyment of the same along with her two sons. The second respondent further alleged that on 17.07.2009, the first petitioner with the help of other two petitioners, have created a forged sale deed, as if the second respondent executed the sale deed in favour



of the first petitioner herein. The second and third petitioners have affixed their signatures as witnesses. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the first petitioner filed a suit in O.S.No.187 of 2012, on the file of the learned Principal District Munsif Court, Ambasamutram, in which, in I.A.No.595 of 2012, the learned Principal District Munsif was pleased to grant an order of interim injunction in favour of the first petitioner, thereby restraining the second respondent from interfering with the peaceful possession and enjoyment of the said property. Therefore, as the case is civil in nature, they seek to quash the First Information Report.

5. It is seen from the First Information Report registered in Crime No.51 of 2013 for the offences under Sections 406, 416, 468 and 420 of IPC that there are specific allegations as against the petitioners. Further, the First Information Report cannot be quashed on its threshold. The first respondent has to investigate the allegations as alleged by the de-facto complainant/second respondent. Therefore, this Court is not inclined to quash the First Information Report.

6. Accordingly, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Principal District Munsif Court, Ambasamutram.

2.The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.V.Sasikumar, Advocate, SR.No.83515

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SJI

ES/PM/SAR 3/09.11.2018/2P/5C

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