



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.4117 of 2015
and
M.P.(MD).Nos.1 & 2 of 2015

I.Selvaraj ... Petitioner / Accused No.6
Vs.

1.The State represented by
the Inspector of Police,
Kallal Police Station, Kallal,
Sivagangai District. ... Respondent / Complainant
(In Crime No.33 of 2015)

2.Megala Aschi
Represented by her Power Agent,
M.Kulandaivelu ...Respondent / *De-facto*
Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in pursuant to the Crime No.33 of 2015 dated 17.02.2015 on the file of the first respondent Police and quash the same insofar as the petitioner.

For Petitioner : Mr.J.John
For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. side)
For R2 : Mr.B.Muruganantham

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in Crime No.33 of 2015, dated 17.02.2015, on the file of the first respondent Police.

2.The disputed property originally belongs to the petitioner's vendor's father viz., A.L.Somasundaram Chettiar and he had executed a sale deed in the year 1958, in favour of a registered partnership firm. The members of the said partnership firm have partitioned the property, by way of a partition deed in the year 1960. The *de-facto* complainant's principal's father-in-law was the owner of the property and he died in the year 1996, leaving behind his son and the *de-facto* complainant's principal Megala Achi as his legal heir and the said fact was suppressed by the petitioner's



vendor and they had executed a sale deed in favour of the petitioner / accused No.6 herein.

3.The learned counsel appearing for the petitioner would submit that the disputed property, was not covered in the sale deed executed in favour of the first accused vendor's father's sale deed dated 01.02.1958 and the said property was not included in the partition deed executed between the partners of the partnership firm in the year 1960. He would further submit that the petitioner's vendors father had not executed a sale deed in favour of the partnership firm in respect of the said disputed property and the said sale deed is in respect of other properties. Therefore, he prayed for quashment of proceedings.

4.The learned Government Advocate appearing for the first respondent would submit that there are incriminating evidences available against the petitioner herein. He would submit that all the grounds raised by the petitioner herein are false. He would further submit that there are specific allegations as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the allegations framed against the petitioner have to be gone into in a full-fledged investigation and hence, he prayed for dismissal of the petition.

5.It is seen from the First Information Report that the documents are pertaining to civil transaction. The petitioner / 6th accused is directed to produce all the documents pursuant to the allegations made in the First Information Report before the Investigating Officer. The Investigating Officer, on receipt of the same, shall verify the same and investigate the matter and file a final report, within a period of four weeks from the date of receipt of a copy of this order.

6.This Criminal Original Petition stands disposed of with the above directions. Consequently, connected miscellaneous petitions are closed.

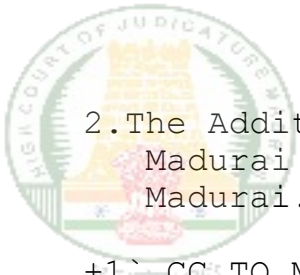
Sd/
ASSISTANT REGISTRAR(CO)

/ TRUE COPY/

SUB ASSISTANT REGISTRAR(CS-I)

To

1.The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Kallal Police Station, Kallal,
Sivagangai District.



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

+1 CC TO MR.J.JOHN ADVOCATE IN SR.NO.93278.

+1 CC TO MR.B.MURUGANANDAM ADVOCATE IN SR.NO.93250.

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