



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1. OP (MD) No.17227 of 2013

and

MP (MD) No.1 of 2013

1. Lakshmi

1. Nagarani

3. Subbammal

... Petitioners

Vs.

1. The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli, Tirunelveli District.

2. Velumani

... Respondents

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records and quash the proceedings in Crime No.178 of 2011 pending on the file of the first respondent police.

For Petitioners

: Mr.P.Samuel Gunasingh

For Respondent

: Mr.A.Robinson

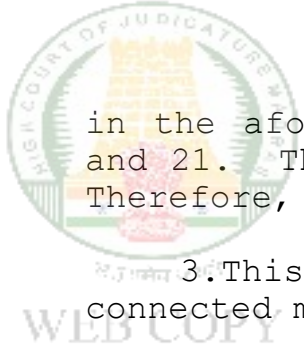
Govt. Advocate for R1

No appearance for R2

ORDER

The petitioners have filed this Criminal Original Petition for quashing the F.I.R in Crime No.178 of 2011 on the file of the first respondent. The offences are under Sections 420, 465, 467 and 468 of IPC. The second respondent is the defacto complainant. According to the second respondent, the property in question belongs to the second respondent Vagaiyara. It is her grievance that the petitioners have created documents in respect of the very same property and executed sale deed.

2. The Hon'ble Supreme Court in the decision reported in (2009) 8 SCC 751 (Mohd. Ibrahim v. State of Bihar) held that executing such a document when there is rival claim of title will not amount to commission of offences of cheating or forgery. The ratio is found



in the aforesaid Judgment in Paragraph Nos.13, 14, 16, 17, 18, 20 and 21. The case on hand is squarely covered by the said decision. Therefore, the impugned F.I.R is quashed.

3. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

/True Copy/

Sd/-
Assistant Registrar (AS)

Sub Assistant Registrar

To

1. The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SKM
DS/SV/MMS/SAR-2 :04.06.2018: 2P/3C

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