

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.536 of 2019 and
Crl.M.P.No.375 of 2019

V.Manickam

... Petitioner

Vs.

1. State, represented by
The Inspector of Police,
CCB Team-XVII. A, Chennai
(Crime No.512 of 2018)

2. Mr.C.V.Mohan

... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, praying to call for the records in Crime No.512 of 2018 in the file of the Inspector of Police, CCB Team - XVII.A, Chennai and quash the same.

For Petitioner : Mr.G.Murugendran

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

O R D E R

This petition has been filed to call for the records in Crime No.512 of 2018 on the file of the Inspector of Police, CCB Team -XVII.A, Chennai.

2. The learned counsel appearing for the petitioner would submit that the petitioner is innocent bonafide purchaser and he had purchased the property from V.S.Mani (A2) and he had executed a sale deed in favour of the petitioner on 31.05.2004 and the same was registered in Document No.1426 of 2004. Before executing the sale deed, the petitioner got the legal opinion in respect of the property that, originally the property belong to C.V.Mohan (defacto complainant herein) for total consideration of Rs.1,75,000/- and whereas, after receiving the entire amount, the said defacto complainant had failed to perform his part of the agreement of sale. However, the false complaint has been

registered against the petitioner. Hence, he has filed this petition.

3. The learned Additional Public Prosecutor would submit that the investigation is almost completed and the respondent Police is only to file a final report.

4. Heard Mr.G.Murugendran, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents.

5. It is seen from the complaint that there is a specific allegation as against the petitioner, which has to be investigated. Further, the FIR is not an encyclopaedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such, this Court cannot interfere with the investigation. The investigating machinery has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6. In view of the above discussion, this Court is not inclined to quash the Crime No.512 of 2018. However, the first respondent is directed to complete the investigation in the above case and file a final report within a period of three months from the date of receipt of a copy of this Order, before the jurisdiction Magistrate, if not already filed.

7. With the above directions, this criminal original petition stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

msv
To

1. The Inspector of Police,
CCB Team-XVII. A, Chennai

2. The Public Prosecutor, High Court, Madras.

+1 cc to M/s.G.Murugendran, Advocate SR.No.17258

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CSL/20.03.2019