

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.4186 of 2018  
and  
Crl.M.P.No. 3139 of 2018

Ellar Sezhian

....Petitioner/Accused-3

Vs.

1.State rep.by  
The Sub-Inspector of Police,  
Central Crime Branch - II Team,  
Chennai.  
Crime No.60/2012.

2.A.Kotteeswaran

....Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in F.I.R.No.60 of 2012 on the file of the 1<sup>st</sup> respondent and quash the same.

For Petitioner : Mr.M.Selvam  
For R1 : Mr.C.Iyyapparaj  
Additional Public Prosecutor

R2 : No Appearance

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O R D E R

Heard the learned counsel for the petitioner.

2. Though notice has been served on the 2nd respondent /de-facto complainant and his name has been printed in the cause list, none appears on behalf of him.

3. The grievance of the de-facto complainant seems to be that being a Power Agent, he was required to deal with the property measuring 42 cents in Nagalkeni Village, Pammal Madura,

Kancheepuram District. In the complaint, he has alleged that the petitioner herein along with one Krishnamurthy had the patta transferred in their names and for transformation of patta, he has alleged that they have agitated the complaint.

4. The learned counsel for the petitioner would submit that the property has been purchased through the sale deed and that when the possession came to be disturbed, they filed a suit in O.S.No.384 of 2013 as against the original owner of the property and the suit has also been decreed in their favour. The averments in the complaint apparently is civil in nature and this Court is unable to apprehend as to how the 1<sup>st</sup> respondent can recover the property as well as cancel the patta, which are prayed for by the de-facto complainant.

5. The complaint was made on 07.05.2012 and though seven years have lapsed, the respondents are yet to finalize the investigation. In order to conduct the fair and proper investigation, the 1<sup>st</sup> respondent herein is required to expeditiously conduct the investigation by recording statement from various witnesses. The very fact that seven years have lapsed from the registration of F.I.R. would mitigate the rigors of the complaint, I am of the view that owing to the passage of time, an effective investigation cannot be made on the allegations, which are made seven years ago.

6. On this ground of laches, this Court is of the view that F.I.R. requires to be quashed.

7. For the foregoing reasons, F.I.R.No.60 of 2012 on the file of the 1<sup>st</sup> respondent is quashed. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

bri  
To

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

2.The Public Prosecutor,  
High Court, Madras.

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+1cc to Mr.M.Selvam, Advocate SR.82389

CRL.O.P.No.4186 of 2018  
and  
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BS (CO)  
CB(23/10/2019)



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