

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6187 of 2019

and

Crl.M.P.No.3428 of 2019

1.Sumathi
2.Deepa
3.Prakash

... Petitioners

Vs.

1.State

Rep.by the Inspector of Police,
Arachalur Police Station,
Arachalur,
Erode.

2.A.Rajendran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in the Crime No.267 of 2018, on the file of the 1st respondent and quash the same.

For Petitioner : Mr.C.Prabakaran

For R1 : Mr.C.Raghavan,
Government Advocate (Crl.side)

O R D E R

This petition has been filed seeking to quash the F.I.R. in 267 of 2018, pending on the file of the 1st respondent.

2. It is seen that the defacto complainant had obtained a loan from One Ramachandran for a sum of Rs.1,00,000/- for which he pledged the document pertaining to Survey No.326/11 situated at Aval Pundhurai Village, Modakurichi Taluk, Erode District, and the period for mortgage is fixed as two years for redemption. Thereafter, the defacto complainant had paid the entire amount of Rs.1,56,000/- and asked to return the document, which was refused by the said Ramachandran and he informed that he arranged money through a financier Sadasivam and the document was in his possession. On suspecting the non-return, the defacto

complainant obtained encumbrance certificate, which revealed that the said Sadasivam had executed a sale deed in favour of Ramachandran by creating forged power of attorney and later Ramachandran executed sale deed to his wife and his wife to his daughter, the petitioners herein. On the basis of the complaint given by the defacto complainant, the petitioners herein are arrayed as accused in Crime No.267 of 2018 for the offence under Section 420 IPC. Now, the petitioner has filed the present petition with the aforesaid prayer.

3.Heard Mr.C.Prabakaran, learned counsel for the petitioners and Mr.C.Raghavan, learned Government Advocate (Crl.side) appearing for the 1st respondent.

4. On reading of the complaint, it reveals that there are specific allegations as against the petitioners herein. This Court, does not want to interfere with the F.I.R., at this stage, in view of the specific allegations that have been made in the F.I.R. Accordingly, this Criminal Original Petition is dismissed. However, there shall be a direction to the 1st respondent Police to complete the investigation and file a report within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Rm

To

1.The Inspector of Police,
Arachalur Police Station,
Arachalur, Erode.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.22127

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AD(CO)
GN(05/04/2019)