

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM:

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

CRL.O.P.No.13695 of 2017

V.S.Kottiyappan

... Petitioner

vs.

1.State Rep. By,
The Inspector of Police,
R.K.Pet Police Station,
Pallipattu Taluk,
Tiruvallur District.

2.V.S.Durairaj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records on the file of the 1st respondent in connection with the F.I.R in Crime No.312 of 2011 and quash the same.

For Petitioner : Mr.J.Shanmuga Sundara Babu

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For R2 : Mr.K.Jagannathen

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R in Crime No.312 of 2011 on the file of the 1st respondent Police.

2.The learned counsel for the petitioner would submit that the petitioner's father owned the property at Vangamur Village, Pallipattu Taluk, Tiruvallur District in various survey numbers. After the death of the petitioner's father, the petitioner's brother Viz., V.S.Durai/2nd respondent and others forcing the petitioner to relinquish the share in favour of them. In respect of the same, one of the his brother V.S.Shanmugam has

filed a suit O.S.No.149 of 2010 seeking partition of the said properties before the learned Subordinate Judge, Tiruvallur. Subsequently, it was transferred to the Sub Court, Tiruttani in O.S.No.91 of 2011 and it is pending.

3.He further submitted that the 2nd respondent in collusion with others have fabricated the documents and given a complaint before the respondent Police, based on which, the 1st respondent Police has registered an F.I.R in Crime No.312 of 2011 against the petitioner for the offences under Sections 468, 471, 475 of IPC.

4.It is seen that the petitioner and the 2nd respondent are brothers. The Revenue Inspector, Pallipattu has conducted the enquiry and obtained the statement from the petitioner's brothers stated that they have not any objection in issuing the Legal Heirship Certificate.

5.Therefore, this Court is not inclined to quash the FIR in Crime No.312 of 2011. The 1st respondent is directed to conduct the enquiry and file a final report within a period of three months from the date of receipt of a copy of this order.

6.In view of the above, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vv2
To

1.The Inspector of Police,
R.K.Pet Police Station,
Pallipattu Taluk,
Tiruvallur District.

2.The Public Prosecutor,
Madras High Court, Madras.

+lcc to Mr.J.Shanmuga Sundara Babu, Advocate Sr.26718

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srg 25/04/2019