



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.04.2019
CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

WEB COPY

Crl.O.P.No.5175 of 2019
and
Crl.M.P(MD)No.3257 of 2019

K.Dhanabalan .. Petitioner /Accused No.2
Vs

1. State rep.by
The Inspector of Police,
Appanthirupathy Police Station,
Madurai.
(Crime No.163 of 2018) .. 1st Respondent/Complainant

2.C.Selvam .. 2nd Respondent/Defacto Complainant

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the FIR in Crime No.163 of 2018 on the file of the first respondent police and quash the same.

For Petitioner : Mr.R.Jegadeeswaran
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the FIR in Crime No.163 of 2018 on the file of the first respondent police.

2. The petitioner was implicated for the offences under Sections 120 (b), 406, 420. 419, 468, 471 and 506 (i). The allegation against the petitioner is that A1 & A2 got a hand loan from the defacto complainant by way of register mortgage deed in favour of the defacto complainant's mother. After the defacto complainant came to know that A1 & A2 were not real owner of the property. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner/A2 did not commit any offence as alleged by the prosecution and there is no specific overt act against the petitioner. However the FIR was filed in the year 2018 and till date charge sheet is not filed.



4. The learned Government Advocate(Crl.Side) would submit Charge sheet is made ready and they are going to file the charge sheet within two weeks .

5. Considering the facts and circumstances of the case on bare perusal of the FIR discloses the cognizable offence against the petitioners and further in respect of quashing the First Information Report elaborately discussed by the Hon'ble apex Court in **State of Haryana and others vs. Bhajan Lal and others [1992 Supp. (1) SCC 335]**, this case does not fall with in the parameter laid by the Hon'ble apex court, and no fresh materials are produced before this court.

6. Hence this Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

dss
To

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

+1 CC to M/s.R.JEGADEESWARAN, Advocate
(SR-61138[F] dated 15/04/2019)

Cr1.O.P.No.5175 of 2019
12.04.2019

ES/14.05.2019/2P/4C