



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.04.2019
CORAM
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5325 of 2019
& Crl.M.P.(MD)No.3369 of 2019

Subburaj, S/o.Seenivasagan ... Petitioner

Vs.

1.The Inspector of Police,
Varusanadu Police Station,
Theni District.
(Crime No.46/2019)

...1st Respondent/Complainant

2.Kumilarasan, S/o.Mayandi Thevar ... 2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in Crime No.46 of 2019 on the file of the first respondent police and quash the same as against this petitioner alone.

For Petitioner: Mr.G.Karuppasamy Pandiyan

For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.46 of 2019, on the file of the first respondent police.

2.The case of the prosecution is that the named accused persons created forged documents in respect of the property belongs to the second respondent's grandfather, situated in Survey No.682/1, measuring an extent of 3 Acres and 20 Cents. Further, the named accused persons committed forgery and impersonated as if they are the owners of the property and conveyed the disputed property in favour of one of the named accused, vide Document No.1972/2017, dated 13.09.2017. Thereafter, A1 was arrested and based on his confession statement, a case in Crime No.46 of 2019 for the offences under Sections 417, 420, 419, 465, 471 and 468 IPC has been registered against the petitioner, against which, the present Criminal Original Petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a Document Writer and he did not commit any offence as alleged by the prosecution. Based on the confession



statement of the co-accused, the petitioner was implicated in the said case and no averments have been made against the petitioner in the FIR and therefore, he prayed for quashing of FIR in respect of the petitioner herein.

4. The learned Government Advocate (Criminal side) submitted that all the accused persons including the petitioner colluded together and impersonated as if A4 is the owner of the property and executed the sale deed in favour of A3, in which, the other accused persons stood as witnesses. All those things were known to the petitioner and he created forged Aadhar Card in favour of the fourth accused/Pavun, for executing the sale deed and therefore, he prayed for dismissal of the Criminal Original Petition.

5. It is settled legal proposition that FIR is not an encyclopedia of the entire case. It may not and need not contain all the details. Naming of the accused therein may be important, but not naming of the accused in FIR may not be a ground to doubt the contents thereof, in case, the statement of the witness is found to be trustworthy. The Court has to determine after examining the entire factual scenario whether a person has participated in the crime or has falsely been implicated.

6. Considering the facts and circumstances of the case and since the FIR discloses commission of cognizable offence, the same cannot be quashed in the light of the law laid down by the Hon'ble Apex Court in **State of Haryana Vs. Bhajan Lal** reported in **1992 (1) SCC 335**. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

To

1. The Inspector of Police,
Varusanadu Police Station, Theni District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD) No.5325 of 2019
22.04.2019