



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5655 of 2019

and

Crl.M.P.(MD)No.3549 of 2019

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B.Anbalagan

... Petitioner

Vs.

1.State through

The Sub-Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.2/2012)

2.B.Dhanavalli

... Respondents

PRAYER:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.2 of 2012 on the file of the first respondent and quash the same in respect of the petitioner herein.

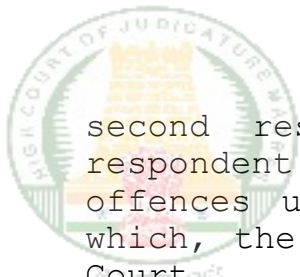
For Petitioner: Mr.M.P.Dhamodaran

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

O R D E R

This petition has been filed to quash the proceedings in Crime No.2 of 2012, on the file of the first respondent, in respect of the petitioner herein.

2.The case of the prosecution is that on 31.05.2010 the second respondent/de-facto complainant approached the petitioner/A3 through one Shanmugarajeswaran (A1) and Deenadhayalan (A2) requesting him to arrange a loan for her daughter's marriage expenses and accordingly, the petitioner gave an amount with interest at 3% to the second respondent, for which, the petitioner demanded a original document of her house site, measuring an extent of 5 cents and 416 sq.ft., situated in S.No.59/2 of Chettikulam Village, Madurai North Taluk and also requested her to execute Power of Attorney in his favour. Accordingly, the second respondent handed over the original documents to the petitioner and also executed Power of Attorney in his favour. Subsequently, the second respondent paid interest for four months. Thereafter, on 25.09.2010 at 10.00 a.m., the second respondent requested the petitioner to hand over the original documents on re-payment of the amount. However, the petitioner refused to hand over the same. Thereafter, when the second respondent went to the property for the purpose of clearing the bushes, one Nagaraj introduced himself and informed that he purchased the said property through A1 and A2 and threatened the



second respondent with dire consequences. Hence, the second respondent lodged a complaint before the respondent police for the offences under Sections 120-B, 406, 420 and 506 (i) IPC, against which, the petitioner/A3 has filed the present petition before this Court.

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3.The learned counsel appearing for the petitioner submitted that the second respondent/de-facto complainant was in urgent need of money for her daughter's marriage expenses, for which, she had also expressed her willingness to sell her property for Rs.4,10,000/-. After receiving the said amount, she executed a Power of Attorney in favour of the petitioner, who in turn, sold the said property to one Nagarajan (A4). After solemnization of her daughter's marriage, the second respondent demanded more money from the petitioner. Since the petitioner refused for the same, the second respondent lodged a false complaint against the petitioner for the offences stated above and therefore, the learned counsel prayed for quashing of FIR in Crime No.2 of 2012 in respect of the petitioner herein.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the investigation has been completed and the charge sheet is yet to be filed.

5.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 Sub-Inspector of Police,
District Crime Branch, Madurai District.

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

+1 CC to M/s.M.P.DHAMODARAN, Advocate (SR-62292[F]dated 24/04/2019)

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