



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**

Crl.O.P.(MD)No.5814 of 2019

and

Crl.M.P.(MD)No.3724 of 2019

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1.Ravichandran @ Ravi
2.Muruganantham
3.Nathan Selvaraj
4.Panneer @ Panneerselvam : Petitioners/Accused

/Vs./

1.State represented by
The Inspector of Police,
District Crime Branch,
Thanjavur. : 1st Respondent/Complainant
[Crime No.30 of 2016]

2.Ammu : 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to call for the records in FIR relating to Crime No.30 of 2016 dated 25.11.2016 on the file of the 1st respondent police and to quash the same as against the petitioners.

For Petitioners : Mr.S.Kanagarajan

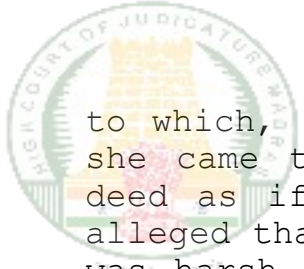
For R-1 : Mr.Ohm Chairma Prabhu
Government Advocate [Crl. side]

ORDER

The present petition is filed to quash the FIR in Crime No.30 of 2016. The petitioners herein are arrayed as A1, A2, A7 and A8 in Crime No.30 of 2016 for the offences under Sections 419, 420, 423, 465, 468, 471, 120B, 506(2) IPC, which came to be registered, based on a complaint given by the second respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate.

3. The allegation in the complaint is that the second respondent and her minor daughter owned a residential property, which originally belonged to her husband and post his death, the property devolved on them. She alleges that the first petitioner / A1 had obtained loan from her, that a dispute arose between them, when the first respondent did not repay the same, that she and her husband faced threat to their lives from the first respondent, owing



to which, she had to live under cover, that sometime in July 2016, she came to know that the first petitioner has fabricated a sale deed as if that she had sold the house property to A1. She has alleged that affixing her photograph in the said sale deed, somebody was harsh to impersonate and the said sale deed itself is a false document and the signature and the thumb impression purported to be that of the second respondent in the said sale deed did not belong to her.

4. The learned counsel appearing for the petitioners submitted that the falsity of the case is established, in that, she admits that the photograph in the sale deed belongs to her. Despite the fact that her photograph is affixed in the sale deed, she could be impersonated by somebody else and that it could go undetected by the Sub-Registrar concerned.

5. The learned Government Advocate submitted that forensic expert's opinion on the impugned signature and thumb impression is pending.

6. While *prima facie* there is a point in what the learned counsel appearing for the petitioners has now argued, it is but one of the many facts that may tilt the balance on the outcome. It may not be able to provide the material to draw her conclusive inference that the other allegations in the FIR could be false. After all when the Investigating Agency goes to the process of investigation, it is likely if not expected to address this issue, for the present, this Court does not find any material to interfere with the present course of investigation as this Court considers that all the allegations in the FIR require to be investigated, colluded and co-related to arrive at a final conclusion, if the allegations in the FIR is false or otherwise.

7. This Court therefore does not find any merit in this petition. However, the petitioner will be at liberty to challenge the final report as and when the same lies and if there are grounds available for them to challenge the same. Subject to the above observations, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS-)

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To

1. The Inspector of Police,

<https://hcservices.ecourts.gov.in/hcservices/>
District Crime Branch, Thanjavur.



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

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