



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.3872 of 2016
and
Crl.M.P.(MD)No.1957 of 2016

S.M.K.Sheik Oli

... Petitioner

Vs.

1.State through
The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.376 of 2011

2.A.Subbaiah

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to the First Information Report in Crime No.376 of 2011 on the file of the first respondent and quash the same.

For Petitioners : Mr.M.Subash Babu

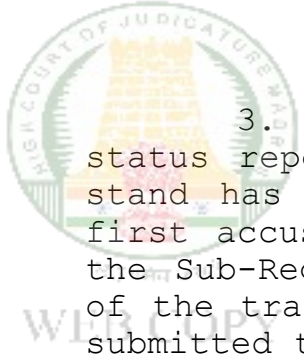
For Respondents : Mr.R.Anandharaj,
Additional Public Prosecutor for R.1

: R2 Died.

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the First Information Report in Crime No.376 of 2011 pending on the file of the first respondent police.

2. The petitioner is the third accused in the said case and according to him, it is purely a civil dispute. The learned Counsel for the petitioner contended that the petitioner is a bonafide purchaser, who purchased the subject property by way of a registered sale deed from the second accused, who is the power holder of the first accused.



3. The learned Additional Public Prosecutor has filed a status report of the first respondent police, wherein, a specific stand has been taken that the power of attorney executed by the first accused in favour of the second accused is not available in the Sub-Registrar Office and without the document, the genuineness of the transaction could not be ascertained at present. He further submitted that in view of the interim order of stay that was granted by this Court, they are not in a position to proceed further and therefore, prayed for disposing of this petition with a direction to conclude the proceedings within a stipulated time limit.

4. Under such circumstances, this Court, without going into the merits of the case, directs the first respondent police to conduct the investigation in Crime No.376 of 2011 in a fair manner and conclude the same within a stipulated time limit. While conducting the investigation, the first respondent police shall consider the grounds that were raised by the petitioner in this petition and the first respondent police shall not harass the petitioner under the guise of investigation.

5. With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Natham Police Station,
Dindigul District.

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

+1 CC to Mr.SUBASH BABU, Advocate SR-61183.

Cr1.O.P. (MD)No.3872 of 2016
and
Cr1.M.P. (MD)No.1957 of 2016
15.04.2019

CS: (14/06/2019) 2P 4C