

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.31535 of 2013
and M.P.No.1 of 2013

T.Usha Rani

...Petitioner

-Vs-

1.State rep. by
Inspector of Police,
Team XV, Central Crime Branch,
Anti Land Grabbing Cell,
Vepery,
Chennai 600 007.

2.Mr.P.P.Sundaramoorthy,
S/o.Prabhu Lingam.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in Crime No.462 of 2013 on the file of the Inspector of Police, Central Crime Branch, Team XV, Anti Land Grabbing Cell, Vepery, Chennai-600 07, and quash the same.

For Petitioner	: Mr.J.Milton Arulrajendran
For Respondents	: Mr.R.Ravichandran for R1 Government Advocate (Crl.side)

No appearance for R2.

O R D E R

The second respondent filed a complaint before the first respondent Police and a case was registered in Crime No.462 of 2013. The petitioner was arrayed as 6th accused in the F.I.R. Pending investigation, the petitioner/A6 has filed the present petition to quash the F.I.R.

2.The learned counsel for the petitioner would submit that the petitioner is the bona fide purchaser for valuable consideration and she has not forged any documents. He further submitted that the petitioner has filed a civil suit before this Court in C.S.No.343 of 2013 seeking declaration and other reliefs, in which injunction was granted in O.A.No.386 of 2013 and the same is pending. The respondent has filed a suit in O.S.No.237 of 2013 seeking permanent injunction with regard to the same land, before the learned District Munsif, Ambatur. Only to harass the petitioner, the second respondent has made this false complaint. Therefore, the F.I.R. is liable to be quashed.

3.The learned Government Advocate (Crl.side) would submit that the petitioner has forged the documents in order to grab the land from the respondent. He further submitted that investigation was completed and the charge sheet is yet to be filed. Due to issuance of G.O. with regard to land grabbing cases, the Police could not file the final report. Since, investigation is completed, the learned Government Advocate seeks for dismissal of the petition.

4.Admittedly, the first respondent registered a case as against the petitioner and five others. The petitioner has been arrayed as 6th accused in the F.I.R. She had filed the present petition to quash the F.I.R. On a perusal of records, it is seen that the petitioner/A6 has already filed a petition to quash the F.I.R. and had withdrawn the same. On careful reading of the complaint, prima facie, there are allegations that the petitioner had forged the documents. Whether the documents are genuine or not, whether the petitioner is a bona fide purchaser for valuable consideration without notice, all these facts will reveal only after investigation and filing of charge sheet. The dispute is also not civil in nature. Under such circumstances, this Court is not inclined to quash the F.I.R.

5. Accordingly, this Criminal Original Petition is dismissed.
Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

RM

1. Inspector of Police,
Team XV, Central Crime Branch,
Anti Land Grabbing Cell,
Vepery,
Chennai 600 007.

2. The Public Prosecutor,
Madras High Court.

+1cc to M/s J.Milton, Arul Rajendran, Advocate, S.R.No.11038
+1cc to M/s Malarvizhi udayakumar for R2 SR.No.10662.

CRL OP.No.31535 of 2013

CO/BP
adl/28.05.2020