

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.6616 of 2015
and M.P.No.1 of 2015

M.Mohammed Rafique

..Petitioner

Vs

1.State rep. by Inspector of Police
District Crime Branch
Cuddalore
Cuddalore District

2.Maniganda Swamy

..Respondents

Prayer: CrI.O.P., filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.16 of 2013 on the file of Inspector of Police, District Crime Branch, Cuddalore, and quash the same.

For Petitioner : Mr.L.Mahendran

For Respondents : Mr.R.Ravichandran,
Govt. Advocate[Criminal Side] for R1

ORDER

The first respondent Police registered a case against the petitioner and four others based on the complaint given by the 2nd respondent in Crime No.16 of 2013. During the investigation, the petitioner/1st accused has filed the present petition before this court seeking to invoke Section 482 Cr.P.C., to quash the complaint.

2. The learned counsel for the petitioner would submit that the defacto complainant entered into sale agreement in respect of the property with the petitioner and the petitioner is the bonafide purchaser and he has also paid Rs.5 lakhs. Therefore, the dispute is civil in nature. The agreement entered into by the petitioner has to be tested before the civil court and not in the criminal complaint. In this matter, the civil dispute has been given criminal colour. Therefore, the FIR has to be quashed.

3. The allegations against the petitioner is that he suppressed all the facts and obtained the signature of defacto

complainant forcibly in the document. But later on, when the defacto complainant came to know that the alleged signature was taken advantage by the petitioner and others and sale agreement was executed as though the defacto complainant has executed the agreement voluntarily and concocted the details. In any event, the entire truth will be revealed only after investigation. Since there is prima facie allegation involving the petitioner in the complaint, this court is not inclined to quash the FIR invoking Section 482 Cr.P.C. Therefore, this Criminal Original Petition is dismissed. Petitioner is at liberty to take all his defence before the trial court. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

nvsri

To

1.The Inspector of Police
District Crime Branch
Cuddalore
Cuddalore District

2.The Section Officer, Criminal Section, High Court, Madras

+lcc to Mr.L.Mahendran, Advocate SR.No.17708

Cr1.O.P.No.6616 of 2015

CP(CO)
GMY(18/03/2020)

सत्यमेव जयते

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