



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.7313 of 2017
and Crl.M.P.No5292 of 2017

Lakshmi osh

... Petitioner/
3rd Accused

Vs.

1.State represented by
The Inspector of police,
Mettupalayam Police Station,
Puducherry.

... Respondent/ Complainant

2.James

... Respondent/de facto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records and quash the FIR in Crime No.74 of 2016
on the file of the first respondent/police.

For Petitioner : Mr.S.Kishore Kumar
for Mr.R.Saravanan

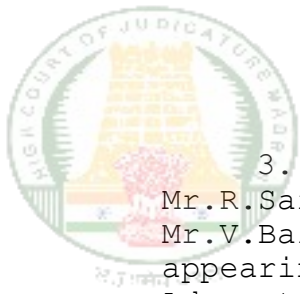
For R1 : Mr.V.Balamurugan
Public Prosecutor (Puducherry)

For R2 : Mrs.R.T.Sundari

O R D E R

This criminal original petition has been filed seeking to
call for the records and quash the FIR in Crime No.74 of 2016 on
the file of the first respondent/police herein.

2. On the complaint lodged by James, the second
respondent/de facto complainant herein, the first
respondent/police registered a case in Crime No.74 of 2016 on
23.08.2016 for the offence under Section 420 r/w 34 IPC, against
Veerasimhan and others, including the petitioner herein, for
quashing which, the petitioner has preferred the present quash
petition.



3. Heard Mr.S.Kishore Kumar, learned counsel representing Mr.R.Saravanan, learned counsel on record for the petitioner and Mr.V.Balamurugan, learned Public Prosecutor (Puducherry) appearing for the first respondent/State. Mrs.R.T.Sundari, Advocate, had entered appearance for the second respondent/de facto complainant. Since she was not present in the Court, she was contacted over phone and she stated that the party had taken away the bundle from her long ago and she has no instructions.

4. This Court carefully perused the allegations in the FIR. The sum and substance of the FIR is that, the family of James and the family of Veerasimhan were doing real estate business and also toddy business; during good times, Veerasimhan had sold a property to James on 11.04.1990; James settled that property in the name of his daughter Sara on 16.12.2009; in 2016, when James and Sara went to look out for the property, they were not able to identify it; therefore, it is their case that Veerasimhan and his family members including the petitioner herein, who is Veerasimhan's sister-in-law, had cheated them by selling a Government property.

5. It is seen that, earlier James had given a complaint, on which, the CB-CID conducted investigation and submitted a report dated 01.05.2013, wherein, it is stated as follows:

"In this regard, requisition was sent to the Tahsildar, Oulg Municipality and to the Director, Dept. of Land & Survey, Puducherry, furnish a report as to whether the said land is a Government Porambock or Private land. It is also requested to furnish copy of FMD and other documents. On 29.04.2013, for the said property E.C, FMD and Settlement copies was obtained, which disclosed that the said property is a Private land and till date in favour of the petitioner's daughter Sara.

As the allegation raised by the petitioner James against Veerasimhan have no prima facie, a Non-cognizable report vide No.09337, dt. 29.04.2013 was served to the petitioner with instruction to seek remedy before Civil Court or to approach Revenue Department to demarcate his property. Meanwhile the counter petitioner had filed an application for Anticipatory Bail before Hon'ble Principal District & Sessions Court, Puducherry. On 30.04.2013, these facts were submitted before the Hon'ble Court and the same was also dismissed."

6. That apart, in the sale deed dated 11.04.1990, Veerasimhan alone has signed as vendor and the petitioner herein is not a signatory to the sale deed. In such view of the matter,



in the opinion of this Court, the present FIR registered against the petitioner is clearly an abuse of process of law.

In the result, this criminal original petition is allowed and the FIR in Crime No.74 of 2016 on the file of the first respondent/police, is quashed. Connected Crl.M.P. is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of police,
Mettupalayam Police Station,
Puducherry.

2.The Public Prosecutor (Puducherry)
Madras High Court,
Chennai - 600 104.

+1cc to M/s.R.Saravanan, Advocate Sr.33939

Crl.O.P.No.7313 of 2017

rr[col]
srg 05/11/2020