



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**Crl.O.P(MD)No.7647 of 2020 and
Crl.MP(MD) No.3687 of 2020**

G.Thangaraj Pandiyan

...Petitioner/Accused No.4

Vs

1.The State Represented by
Inspector of Police,
The District Crime Branch,
Land Grabbing,
Ramanathapuram.
Crime No.33 of 2020.

...Respondent/Complainant

2.Mohammed Amjath Khan

...Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the First Information Report in Crime No.33 of 2020 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.B.Prahalad Ravi
For R1 : Ms. Veronica Vincent
Government Advocate
For R2 : Mr.K.K.Samy for
Mr.K.Raghu Priyan

O R D E R

Heard the learned counsel on either side.

2.The petitioner wants this Court to quash the impugned First Information Report 33 of 2020 registered on the file of the first respondent. The second respondent is the defacto complainant. The case has been registered for the offences under Sections 120(B), 420, 447, 465, 468, 471 and 506(i) of IPC.

3.The learned counsel appearing for the petitioner would contend that the defacto complainant had earlier filed a complaint on 18.03.2020 and that the police advised him to move the jurisdictional Civil Court. Acting on the said advice, the defacto complainant filed O.S. No.12 of 2020 on the file of the Munsif Court, Madurai. The Suit is still pending. In the meanwhile, one



more complaint has been registered for the same set of facts. This according to the petitioner is not maintainable in law. The petitioner's counsel also points out that eventhough the cause of action arose wayback in the year 2015, after full 5 years, the First Information Report came to be registered in 2020. The learned counsel pointed out that there is no material to support the allegations.

4.I am not persuaded by the submission of the petitioner's counsel. As rightly pointed out by the learned Government Advocate and the learned counsel for the defacto complainant that it was the petitioner, who had executed the sale deed infavour of the defacto complainant on 27.12.2010. It is a registered document. Whiles, in the year 2015, in favour of the first defendant namely Balakrishnan, the petitioner herein had signed as a witness. These are all factual aspects to be gone into only during proper investigation. At the inception stage, First Information Report cannot be quashed. Therefore, leaving open the petitioner's defences, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police, The District Crime Branch,
Land Grabbing, Ramanathapuram.

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

+1 CC to M/s.K.K. SAMY, Advocate (SR-19805[F] dated 12/10/2020)

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SGS (CO)