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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.13794 of 2016

and

Crl.M.P. (MD) No.6432 of 2016

1. Joseph

2. Clara

3. Prakash

... Petitioners/Accused 1 & 3

Vs.

1. State rep. by

The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.

(Crime No.319 of 2016) ... 1st Respondent/Complainant

2. A. Jesu Stalin ... 2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the FIR in Crime No.319 of 2016 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.K.Gokul

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

The petitioners challenge the very registration of the impugned FIR at the instance of the second respondent herein.

2. The case of the second respondent is that he paid a sum of Rs.12,00,000/- as advance to the first petitioner herein for purchasing an acre of agricultural land belongs to the first petitioner. The total sale consideration is fixed at Rs.12,72,000/-.

3. According to the second respondent, the first petitioner herein did not come forward to execute the sale deed as agreed by him. The second respondent places reliance on a receipt dated 07.01.2015.



4.The petitioner's counsel states that the said receipt dated 07.01.2015 is a bogus document. If that be so, investigation will reveal the same. The police will obviously file a closure report.

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5.In exercise of my jurisdiction under Section 482 of Cr.P.C., I will not be justified in going into such factual aspects. Therefore, leaving open the petitioner's contentions and defences, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

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/ /2020

Sub Assistant Registrar(CS)

rmi

To

1. The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.

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

+1 CC to M/s.K.GOKUL, Advocate (SR-5962[F] dated 12/02/2020)

Cr1.O.P(MD)No.13794 of 2016
and
Cr1.M.P.(MD)No.6432 of 2016
12.02.2020

MR(CO)

TR(27.02.2020)2P 4C