



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2020

CORAM:

WEB COPY

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

Crl.O.P.(MD).No.15265 of 2016

1.M.K.Mohamed Shafi
2.Ayisha Dowlath

... Petitioners / A1 & A2

Vs.

1.The State represented by,
The Inspector of Police,
District Crime Branch,
Tirunelveli.

(In Crime No.17 of 2016) ... 1st Respondent / Complainant

2.Ganapathiraman ... Respondent-2 / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No.17 of 2016 dated 20.06.2016 pending on the file of the first respondent Police and quash the same.

For Petitioners	: Mr.P.Kumaresan for M/S.N.Mohideen Basha
For 1 st Respondent	: Mr.S.Chandra Sekar Additional Public Prosecutor
For 2 nd Respondent	: Mr.V.Kathirvelu Senior Counsel for Mr. K.Prabhu
For Trust	: Mr.N.Dilipkumar

O R D E R

This criminal original petition has been filed under Section 482 of Cr.P.C to quash FIR in Crime No.17 of 2016 dated 20.06.2016 pending on the file of the first respondent Police.

2.Based on the complaint given by one Ganapathiraman, a criminal case has been registered by the first respondent Police, District Crime Branch, Tirunelveli, in Crime No.17 of 2016 against

<https://hcservices.ecourts.gov.in/hcservices/>



six accused persons. The petitioners are A1 and A2 in the said complaint.

3. According to the petitioners, in the year 2000 they had purchased 14 acres of land from Balakrishnan, Paulraj, Arunachalam and Mookan and thereafter they have obtained permission from the concerned authorities to form a layout. Thereafter, the petitioners had sold the plots to various persons. The defacto complainant is one of the purchasers. The purchasers of the plots including the defacto complainant constructed houses in the plots. The case of the defacto complainant is that his vendors and vendors predecessors have no title over the property but sold the property fraudulently. Later he come to know about the forgery and the civil suit filed by the real owner where a decree passed in favour of the Trust. In the said circumstances, the petitioners herein who are arrayed as accused in the complaint, have approached this Court by way of filing this quash petition to quash the FIR in crime No.17 of 2016.

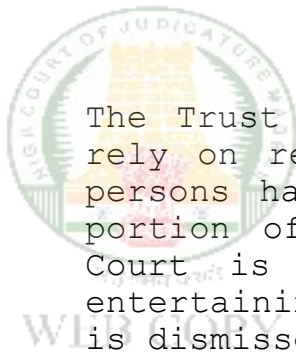
4. Regarding the title, dispute is prevailing between the petitioners and the Trust viz., Sankara Narayana Swamy 11th day Aadi Thapasu Mandagapadi Utsavam Fund renamed as Kuttalammal Religious and Charitable Trust. While so, Sankaranarayana Swamy 11th day Aadi Thapasu Mandagapadi Utsavam Fund renamed as Kuttalammal Religious and Charitable Trust, has filed a suit in O.S.No.117 of 2010 on the file of the First Additional District Court, Tirunelveli against the petitioners and Sankaranarayana Swamy Temple. In turn, the said temple has also filed a counter suit against the Trust and the petitioners in O.S.No.85 of 2011 pending on the file of the 1st Additional District Judge, Tirunelveli. Both the suits were tried together and the same were decreed in favour of the Trust. Against the Judgment and Decree passed by the trial Court, the first appeals have been preferred before this Court in A.S.Nos.84 and 85 of 2016 and the same are pending.

5. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation of the complaint has been now handed over to the Anti Land Grabbing Cell.

6. Heard the learned counsel appearing for the petitioners, learned Additional Public Prosecutor appearing for the first respondent Police and learned senior counsel appearing for the second respondent.

7. The records placed by the counsels on either side. Perused.

8. This Court finds that the First Information Report is only the trigger which sets the criminal law into motion. Whether the petitioners are *bona fide* purchaser or creators of forged title documents come to light only during the course of investigation.



The Trust has ascertained title through G.O, wherein third party, rely on registered title deeds as base for their claim. Several persons have also put up construction with their money in their portion of land. Since the appropriate probe is required, this Court is not inclined to interfere with the investigation by entertaining this petition. Hence, this criminal original petition is dismissed with following directions:

1.The petitioners, the Trust and the defacto complainant are directed to cooperate with the investigation and produce all the documents available with them for proper completion of the investigation.

2.if materials available against the vendors of the complainant including the petitioners and the revenue/registration department officials, same may be considered as per law and act appropriately.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
District Crime Branch,
Tirunelveli.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-12165[F] dated 18/03/2020)

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-12231[F] dated 18/03/2020)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-12338[F] dated 18/03/2020)

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vsg

SDS (02.06.2020) 3P-6C