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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.4188 of 2018

and

Cr1.M.P.No.1928 of 2018

1. K.Velusamy

2. S.Gunasekar

.. Petitioners

Vs.

1. State rep,

by Inspector of Police,
Alangiyam Police Station,
Tiruppur.

Crime No.16 of 2018

2. Dhanalakshmi

.. Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the entire records pursuant to the case in Crime No.16 of 2018 on the 1st respondent and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.K.Sudhakar

For RR1 : Mr.C.E.Pratap
Public Prosecutor

For RR1 : Mr.C.Prakasam

O R D E R

The petitioners have filed this petition to call for the entire records pursuant to the case in Crime No.16 of 2018 on the 1st respondent and quash the same.

2. The case of the prosecution is that the defacto complainant is the owner of the property and the property was settled in favour of her during the age of minor, citing her father as a guardian. Thereafter the defacto complainant was



given marriage and the said property was taken care of by her father. Due to some personal dispute between the husband and father of the defacto complainant, she was not able to come to her parental home. Taking advantage of the same, the petitioners in connivance with the father, had executed bogus Settlement Deed in their favour and created several third party rights over the property. After the death of her father, the defacto complainant came to know about all these facts. Therefore, the defacto complainant had lodged a police complaint against the petitioners for recovery of title and possession of the property.

3. The learned counsel appearing for the petitioner submitted that the 2nd respondent / defacto complainant has filed a complaint before the law enforcing agency as if the petitioners have purchased the property without any valid documents from her father and further the defacto complainant had initiated Suit in O.S.No.104 of 2008 for declaration of title.

4. The learned counsel, on admitting the fact that the petitioner is in possession of the property in dispute, submitted that he did not know about the result of the Suit. However, he prays for permission of this Court to permit the petitioner to place the entire materials before the law enforcing agency while conducting enquiry.

5. Mr.C.Prakasam, learned counsel appearing for the respondent have no serious objection.

6.This Court has carefully considered the arguments advanced by the learned counsel appearing for the petitioner and also perused the materials available on record.

7. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Investigating Officer and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the 1st respondent Police.



8. In view of the above, this Court directs the 1st respondent Police, to expedite the trial in C.r.No.16 of 2018 and complete the same, within a period of four weeks from the date of receipt of a copy of this order.

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9. With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1. The Inspector of Police,
Alangiyam Police Station,
Tiruppur.

2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1CC to Mr.K.Sudhakar, Advocate, SR.No. 34535

Cr1.O.P.No.4188 of 2018
and
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PCH(CO)
B.VC (25/08/2021)