



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.5688 of 2018
and Crl.M.P.No.2864 of 2018

1.Dharmi Chand
2.Ajay
3.V.S.Gurumoorthy

... Petitioners

Vs.

1.The Inspector of Police,
District Crime Branch,
Land Grabbing Special Wing,
Vellore, Vellore District.

2.Jameel Ahamed

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records pending on the file of the 1st respondent police namely Inspector of Police, District Crime Branch, Land Grabbing Special Wing, Vellore, Vellore District, Cr.No.4/2018 and to quash the criminal proceedings.

For Petitioners : Mr.E.Kannadasan
For RR1 : Mr.C.E.Pratap
Government Advocate (Crl.Side)

O R D E R

The petitioner has filed this petition seeking to call for the records in Cr.No.4/2018, pending on the file of the 1st respondent police namely Inspector of Police, District Crime Branch, Land Grabbing Special Wing, Vellore, Vellore District.

2. Facts leading to the present round of litigation is that the defacto complainant and his sister were partitioned their property and the Partition Deed was also executed. Due to his financial difficulty, he approached the 1st petitioner and expressed his willingness to sell his house property and thereafter, the sale consideration was fixed at Rs.7,00,000/- and a Sale Deed dated 22.12.2009 was executed in favour of the 2nd petitioner, after receiving the sale consideration. Based on the Sale Deed, the petitioners had created third party right over the property. However, the defacto complainant had lodged a police complaint before the respondent Police stating that the petitioners had defrauded and grabbed his property by way of misrepresentation.



3. The learned counsel appearing for the petitioners submitted that the allegation levelled against the petitioners is not true and the Sale Deed has been executed with the full knowledge of the defacto complainant, as he demanded money due to his financial problem and therefore, the petitioners have been wrongly implicated in this case and prays for quashment of the FIR in Cr.No.4/2018, pending on the file of the respondent Police.

4. The learned Government Advocate (Crl.Side) submitted that the case has been transferred to Arcot Town Police Station and if some outer time limit is fixed, an investigation in the criminal case may be completed and may file a Charge Sheet before the Trial Court.

5. Since the matter requires thorough investigation and enquiry, this Court cannot quash the FIR at this stage and now it is represented by the learned counsel appearing for the petitioners that without going into the merits of the case, it would suffice, if this Court issues direction to the law enforcing agency to expedite the process of investigation and complete the same as early as possible.

6. 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 and not inclined to interfere with the proceedings pending before the respondent Police.

7. Accordingly, this Criminal Original Petition is disposed of with a direction to the respondent Police to complete the investigation pending in Cr.No.4/2018, pending on the file of the 1st respondent police namely Inspector of Police, District Crime Branch, Land Grabbing Special Wing, Vellore, Vellore District, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sk

To

1.The Inspector of Police,
District Crime Branch,
Land Grabbing Special Wing,
Vellore, Vellore District.



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

Copy to
The Inspector of Police,
Arcot Town Police Station, Arcot.

Cr1.O.P.No.5688 of 2018

PMK (CO)
B.VC(22.07.2021)