

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.No.1643 of 2018 and
Crl.M.P.No.611 of 2018

1.S.Manish Agarwal

2.George William Petitioners/Accused 1 & 2

Vs.

1.The State Represented by
Inspector of Police,
Pallavaram Police Station,
St.Thomas Mount District,
(Crime No.2196 of 2017) Respondent

2.B.Arunkumar Complainant

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C. to call for the First Information Report dated
26.05.2017 in Crime No.2196 of 2017, on the file of Pallavaram
Police Station and quash the same.

For Petitioners: Mr.S.Sai Shankar

For Respondent : Ms.Kritika Kamal.P ,
GA(Crl.Side) for R1

सत्यमेव जयते
O R D E R

This criminal original petition has been filed to call for
the First Information Report dated 26.05.2017 in Crime No.2196
of 2017, on the file of Pallavaram Police Station and quash the
same.

2. The case of the prosecution is as follows:

(i) The first petitioner purchased a property in Survey
No.326/16B2 to an extent of 2117 Sq.Ft. From the time of
purchase, the said property was in possession and enjoyment of
the first petitioner.

(ii) The defacto complainant purchased a property in Survey
No.326/16B1 to an extent of 2117 Sq.ft and it was registered as

Document No.1338/2011. and also he purchased another property and it was registered as Document No.5809/2012. It was later found that the sale deeds registered in favour of the defacto complainant are bogus.

(iii) Thereafter, the defacto complainant claims right over the property which is in Survey No.326/16B2, registered in favour of the first petitioner. In such circumstances, the first petitioner was constrained to file a civil suit in O.S.No.886 of 2012, on the file of the District Munsif, Alandur to declare all the fraudulent sale deeds executed in favour of the defacto complainant as null and void.

(iv) On the other hand, the defacto complainant filed a suit in O.S.No.14 of 2016 on the file of the District Munsif, Alandur, against the first petitioner. During the pendency of the said suits, the defacto complainant filed another suit in O.S.No.189 of 2017 on the file of the District Court, Chengalpet for the relief of declaration of title, recovery of possession and permanent injunction. All the suits are still pending.

(v) While matter stood thus, the defacto complainant filed CrI.O.P.No.16450 of 2017 seeking direction to register the complaint dated 05.11.2017 before this Court and this Court passed an order to register the complaint if cognizable offence is found to be made out. Though no cognizable offence is made out, the respondent police had registered the complaint dated 05.11.2017 foisting the petitioners for the alleged offence under Section 448, 294(B) and 506(1) of IPC. Therefore, the petitioners are before this Court.

3. The learned Additional Public Prosecutor submitted that a direction may be given by this Court to complete the investigation within a reasonable time fixed by this Court.

4. In view of the above, without going into the merits of the case, this Court is inclined to issue direction to the Law Enforcing Agency to complete the investigation after affording an opportunity of hearing to the parties, within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsk

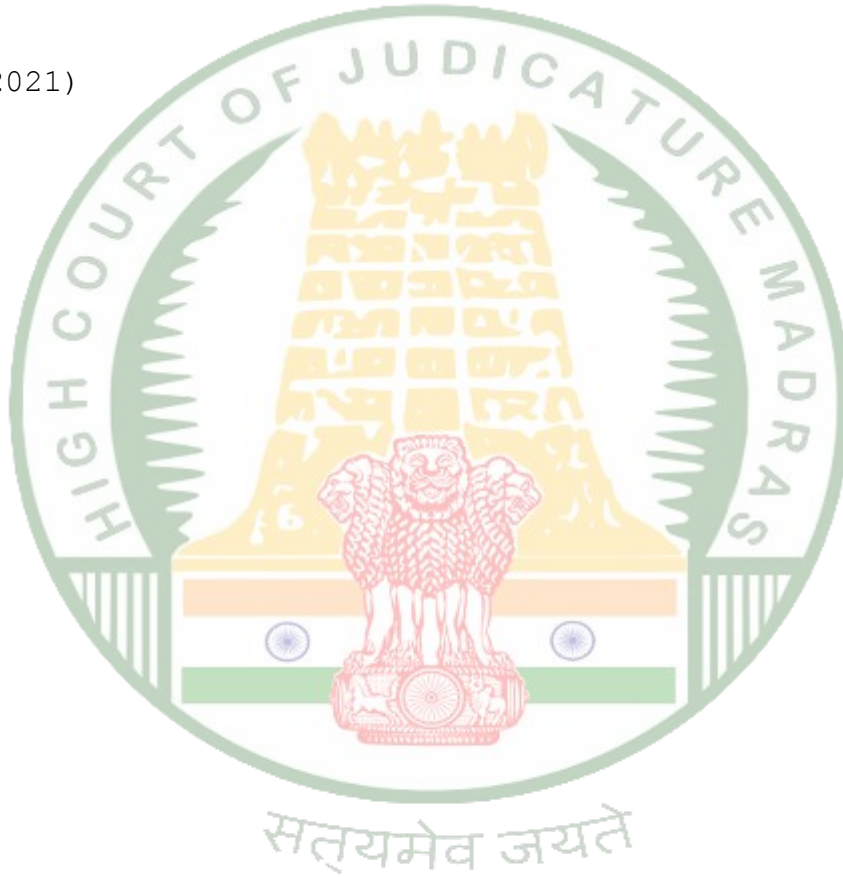
To

1.The Inspector of Police,
Pallavaram Police Station,
St.Thomas Mount District,

2.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.1643 of 2018 and
CrI.M.P.No.611 of 2018

RSI (CO)
CB(01/07/2021)



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