



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.NO.1046 OF 2017

1. R.Ganesamurthi,
2. R.Dharmalingam,
3. Shanmuga Vadivel

... Petitioners

Vs.

1. The State rep. by
The Inspector of Police,
Sulur Police Station,
Sulur, Coimbatore District.

2. N.Pathiban

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pertaining to FIR in Crime No.11 of 2017 pending on the file of the 1st respondent and quash the same.

For Petitioners : Mr.S.B.Viswanathan

For Respondent-1 : Mr.E. Raj Thilak
(Counsel for Govt. (Crl. Side))

O R D E R

This Criminal Original petition has been filed under Section 482 Cr.P.C. seeking for to call for the entire records pertaining to FIR in Crime No.11 of 2017 pending on the file of the 1st respondent and quash the same.

2. The case of the prosecution is that the petitioners are said to have entered into 4 partition deeds all dated 25.09.2009 (Doc. Nos.7670, 7671, 7672 and 7673 of 2009) between them with them with respect to the total extent of land measuring 3 acres and 8 cents comprised in Survey Nos.138/1 and 138/2 of Neelambur Village even though they sold the same property in fraudulent manner in favour of 17 different persons and sale agreement was also registered in favour of the K.P.Ramasamy Gounder and his brothers. In view of the above, the complaint has been lodged against the petitioners herein and



the same has been registered in Crime No.11 of 2017 before the 1st respondent herein.

3. The learned counsel for the petitioners would submit that while the one of the petitioner made a complaint in Crime No.306 of 2016 against the defrauder before the 1st respondent, for fabricating the sale agreement, the respondent polices failed to take proper action against the defrauder. Hence, the petitioners have filed many Criminal Original petitions before this Court for appropriate action against the defrauder in which one in Crl. No.23712 of 2016, this Court by its order dated 22.11.2016 directed to transfer the investigation to the CBCID Police, Coimbatore for which the copy of the order has been enclosed herein. Being irritated by the above, K.P.Ramasamy, and his brothers, represented by one of their staffs namely defacto-complainant, have filed a petition in CMP No.5749 of 2016 under Section 156(3) of the Cr.P.C. in the Judicial Magistrate Court No.VII, Coimbatore, seeking to direct the 1st respondent to register his complaint against the petitioners in crime No.11 of 2017. In view of the enmity between the petitioners and K.P. Ramasamy and his brothers, the petitioners are lodged false complaint in Crime No.11 of 2017. Hence, this Court may pleased be to direct for quashing of the aforesaid FIR.

4. The learned Government Advocate (Crl. Side) submitted that the Crime No. 306 of 2016 has been registered as against the K.P. Ramasamy and his brothers for making fabricating sale agreement in the suit property in question and the petitioners have been lodged complaint for having executed the sale deed the suit property in question in favour of 17 persons.

5. Having considered the facts and circumstances of the case and submissions of the learned counsel on either side, this court is inclined to direct the 1st respondent to investigate into the matter further and file a final report within a period of four weeks before the Court below from the date of receipt of copy of this order.

6. In this result, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is also closed if any.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Lbm



To

1. The Inspector of Police,
Sulur Police Station,
Sulur, Coimbatore District.
2. The Additional Public Prosecutor,
High Court of Madras,
Chennai.

CRL.O.P.NO.1046 OF 2017

KV(CO)
PBS/08/09/2021