



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Cr1. O.P. No. 15104 of 2017
and
Cr1.M.P.Nos.4107 and 9533 of 2017

1.Janarthanan Naidu
2.Udhyakumar
3.Arul Raj

...Petitioners

Versus

1.The Sub-Inspector of Police,
DCB Police Station,
Kancheepuram.

2.V.Radhakrishnan

3.The Inspector of Police,
A.L.G.C,
Chengalpattu.

...Respondents

(R.3 impleaded as per order of this Court in Cr1.O.P.No.15104 of 2017 dated 20/10/2021)

PRAYER :Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to Crime No.11 of 2017 dated 20.04.2017 on the file of the 1st respondent Police and quash the same.

For Petitioners : Mr.P.Vijendran

For Respondents : Mr.S.Vinoth Kumar

Government Advocate (Cr1.Side)
for R1 and R3

: Mr.S.Vijayaganesh for R2

O R D E R

This Criminal Original Petition has been filed to quash FIR No.11 of 2017 dated 20.04.2017, pending on the file of the first respondent.



2. The case of the prosecution is that an extent of 15 3/4 cents was purchased by the father of the de facto complainant. After eight years, with the knowledge of the father of the de facto complainant, by creating false documents, the petitioners had gifted the same property to Municipality. When the same was questioned, the de facto complainant was criminally intimidated.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The learned counsel appearing for the petitioners submitted that the second respondent and his two brothers filed a suit in O.S.No.122 of 2008 before the learned District Munsif Court, Chengalpattu and the same was dismissed on 3/3/2021 with costs. Therefore this First Information Report is nothing but an abuse of process of law. The suit has been disposed of only in the year 2021 and the allegation in the complaint is that there is a creation of false documents. Whether such allegations are true or not has to be investigated by the authorities namely the prosecution agency.

5. In such view of the matter, this Court is not inclined to quash the First Information Report. The investigating agency could conduct investigation taking note of the Civil Suit and come to a conclusion whether case is made out or not. It is for them to file an appropriate report before the concerned Court.

6. With the above observation, this Criminal Original Petition is disposed off. Consequently, connected Miscellaneous petitions are closed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

psa/mvs.
To

1. The Sub-Inspector of Police,
DCB Police Station,
Kancheepuram.



2.The Inspector of Police,
A.L.G.C,
Chengalpattu.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.P.Vijendran, Advocate sr 63120.

Cr1. O.P. No. 15104 of 2017

SV(CO)
SP(22/12/2021)