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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Cr1.O.P.No.27477 of 2017

Kuriakose Mathew

...Petitioner/ Accused No.2

Vs.

1.The State represented by
The Inspector of Police,
Central Crime Branch,
Team XV, Vepery,
Chennai - 600 007.

2.Dr.SaraswathiBhandari
C/o.B.Joyel Singh,
A V Thomas & Co Ltd.,
No.60, RukmanaiLakshmipathySalai,
Egmore,
Chennai - 600 008.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in FIR filed in CCB Crime No.13 of 2017 dated 11.01.2017 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.Anandaraj

For R1 : Mr.R.Kishore Kumar
Government Advocate (Cr1. Side)

For R2 : Mr.Arunkumar
for M/s.Sampath Kumar and
Associates



O R D E R

This Criminal Original Petition has been filed to quash the FIR filed in CCB Crime No.13 of 2017, dated 11.01.2017, on the file of the 1st respondent, for the offences under Sections 419, 465, 467, 468, 420 and 120-B IPC.

2.The petitioner before this Court is A2.

3.The crux of the prosecution case is that the accused has fraudulently created Power of Attorney in respect of properties at Thiruvannamiyur and cheated the de facto complainant, who is the title holder of the properties.

4.The main ground on which the FIR is sought to be quashed is that the so-called de facto complainant - Dr.Saraswathi Bhandari had already died and in the counter affidavit filed, she has informed that her address has been wrongly given by the de facto complainant, whereas, the FIR itself clearly indicates that she was under the care of Joyal Singh. It is his contention that the said Dr.Saraswathi Bhandari had already died and the complaint itself has been lodged by some other person.

5.The learned counsel for the respondent/de facto complainant disputed the death of the said Dr.Saraswathi Bhandari. It is his contention that the said Dr.Saraswathi Bhandari is very much alive and the Death Certificate has been fabricated by the present petitioner.

6.The learned Government Advocate (Crl. Side) appearing for State submitted that serious allegations are made against the petitioner and it requires investigation and the Forensic examination also clearly shows that the document in question is a fabricated one.

7.Heard the learned counsel for all the parties and perused the entire materials available on record.

8.On a perusal of the materials and the submissions made by the learned counsel for the parties, this Court is of the view that the matter requires serious investigation in all aspects, including the Death Certificate produced before this Court. Since the allegations are serious in nature, it is for the Police machinery to investigate the matter and unearth the truth. Moreover, disputed facts are raised in this matter, which cannot be adjudicated by this Court while exercising jurisdiction under Section 482 Cr.P.C. Therefore, this Court is not inclined to quash the FIR at the threshold.



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Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

mkn

To

1. The Inspector of Police,
Central Crime Branch,
Team XV, Vepery,
Chennai - 600 007.

2. The Public Prosecutor,
High Court, Madras.

+lcc to M/s.Sampath Kumar Associates, SR. No.65733

Crl.O.P.No.27477 of 2017

SSI (CO)
PR (28/12/2021)