



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19342 of 2021

and

Crl.M.P.(MD)No.10790 of 2021

P.Chezhian ... Petitioner/Accused No.1
Vs.

1.The Inspector of Police,
Anti Land Grabbing Special Cell,
District Crime Branch Police Station,
Madurai District.
(Crime No.24 of 2021) ... Respondent No.1/Complainant

2.S.Mariappan ... Respondent No.2/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.24 of 2021 dated 01.11.2021 on the file of the 1st respondent and quash the same as illegal as against the petitioner alone.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

This criminal original petition has been filed to quash the FIR in Crime No.24 of 2021 registered on the file of the first respondent for the offences under Sections 120B, 419, 420, 465, 468 and 471 of IPC.

2.The learned counsel for the petitioner reiterated the contentions set out in the memorandum of grounds and called for quashing the impugned FIR. He placed reliance on the decision of the Hon'ble Supreme Court reported in **(2009) 8 SCC 751 (Mohammed Ibrahim and Others Vs. State of Bihar and Another)**.

3.I am not persuaded by the said submissions. As rightly pointed out by the learned Additional Public Prosecutor, Md.Ibrahim's case can be invoked, if there are no allegations of forgery and impersonation. In this case, such allegations have been



specifically made. That apart, the FIR itself was registered only on 01.11.2021. The investigation is at a preliminary stage. Therefore, it would be unsafe to scuttle the same at this stage itself.

4. Leaving open the petitioner's contentions and defences, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
District Crime Branch Police Station,
Madurai District.

2. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-37727[F] dated 08/12/2021)

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RJ(CO)
KB(22.12.2021) 2P 4C