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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4275 of 2022

and

Crl.M.P.No.2138 of 2022

J.Pandian

... Petitioner

Vs.

1. The State represented by,  
The Inspector of Police,  
District Crime Branch/Anti Land Grabbing Special Cell,  
Nagapattinam District.

2. Abdul Salam

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records and quash the First Information Report in Crime No. 13 of 2021 on the file of the Respondent as against this petitioner alone.

For Petitioner : Mr.M.Anbalagan

For Respondent 1 : Mr.A.Gokulakrishnan  
Additional Public Prosecutor.

#### O R D E R

The Criminal Original Petition has been filed to call for the records and quash the First Information Report in Crime No. 13 of 2021 on the file of the Respondent as against this petitioner alone.

2. The petitioner stand accused of committed offences punishable under Sections 420, 465, 468, 471 and 120(B) of IPC on the basis of the complaint lodged by the second respondent/de facto complainant.

3. Learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A3 in this case. The petitioner is the new purchaser, who had agreed to purchase the property from A2. Believing that A2 is the owner of the property



he had entered into an agreement of sale with A2. Later, coming to know that A1 and A2 had conspired in order to cheat the defacto complainant, the petitioner had cancelled the sale agreement and also taken back the amount.

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4. Per contra, Mr.Gokulakrishnan, Additional Public Prosecutor would submit that the investigation is in initial stage. A1 in this case had fabricated a Hiba settlement (Gift) as if the property had been given by the brother of the defacto complainant. Based on that, A2 had entered into an agreement of sale with A3 and to show that he was genuine, they filed a suit and thereafter, they entered into an agreement before the Lok Adalat. Subsequently, to create genuinity to the deal, they had colluded with the petitioner and they have also got entered into an agreement of sale with the petitioner. He would further submit that the investigation is pending.

5. Heard the learned counsel and perused the materials available on record.

6. It is seen from the First Information Report that there are specific allegation as against the petitioners, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Therefore, it cannot be quashed on the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such, this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No.13 of 2021. Further, the first respondent/Police is directed to complete the investigation and file the final report as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

8. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is also closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



rgi/ham

To

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1. The Inspector of Police,  
District Crime Branch/Anti Land Grabbing Special Cell,  
Nagapattinam District.
2. The Public Prosecutor,  
High Court of Madras.

CrI.O.P.No.4275 of 2022  
and  
CrI.M.P.No.2138 of 2022

MT[co]  
NSK 24/03/2022