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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.02.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3805 of 2022

A.Shankar Raman

... Petitioner

Vs.

1.State by: The Inspector of Police
CCB I, Land Grabbing Prevention Cell-I,
Team 16, Office of the Commissioner of Police,
Greater Chennai, Vepery, Chennai 600 007
(Crime No.159 of 2021).

2.L.Narayanan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to call for the records in Crime No.159 of 2021 on the file of the respondent No.1 Police Station and quash the same so far as the petitioner is concerned.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R1.

O R D E R

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.159 of 2021 on the file of the 1st respondent/Police.

2. The case of the prosecution as per the defacto complainant/L.Narayanan is that he is the owner of 4620 sq.ft, of land comprised in Survey No.759/1,2,3 & 4 Ward-E, block 9, as per patta Town Survey No.40/2, 759/3C Part, situated at Gandhi Nagar, Korattur Village, Kallikuppam, Ambattur Taluk, Thiruvallur District. The further case is that the accused conspired and by fabrication of documents, impersonation and forgery had bought this property. Based on the complaint given by the defacto complainant, the case in Crime No.159 of



2021 was registered for the offences under Section 419, 465, 467, 468, 471, 120B, 109 of IPC. The petitioner, who is A13 in this case has filed a petition seeking to quash the First Information Report in Crime No.159 of 2021.

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3. Mr.P.Pugalenthi, the learned counsel appearing for the petitioner would submit that the petitioner is an innocent purchaser, who was arrayed as A-13 in the FIR. He has purchased a part of the property measuring an extent of 1610 sq.ft, after paying necessary consideration. He would submit that the property was purchased in the year 2018 by a valid sale deed, dated 04.06.2018 and by availing housing loan, he had put up a house in that area. He further submits that the petitioner is an innocent purchaser and hence seeks for quashing of the proceedings.

4. Mr.A.Gokulakrishnan, the learned Additional Public Prosecutor for first respondent would submit that the petitioner along with other accused had conspired and by fabrication of the documents, forgery, impersonation had bought the property belonging to the defacto complainant. He would submit that the grounds raised by the petitioner are factual in nature and thorough investigation has to be done to unravel the truth. He further submits that the investigation is at initial stage and seeks for dismissal of the quash petition.

5. Mr.G.Palani, the learned Counsel representing the defacto complainant, would submit that the defacto complainant is the owner of the property and all the original documents are with the owner of the property. The accused by fabrication of the documents, forgery and impersonation had bought the property, worth more than Rs.2.00 Crores. The petitioner without any original documents had purchased the property and in order to cheat. He would further submit that the investigation is at the initial stage.

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. Further, it cannot be quashed in 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. However, a direction is issued to the respondent/Police to complete the investigation in Crime No.159 of 2021 and file a final report, as expeditiously as possible, preferably within a period of six (6) months, from the date of receipt of a copy of this Order.



8. With the above direction, this Criminal Original Petition is disposed of.

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Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

pns/mpl
To

1.The Inspector of Police,
CCB I, Land Grabbing Prevention Cell-I,
Team 16, Office of the Commissioner of Police,
Greater Chennai, Vepery, Chennai 600 007

2.The Public Prosecutor
High Court of Madras.

Copy to:
The Section Officer,
Criminal Section,
High Court, Madras

+1 cc to Mr.G.Palani, Advocate Sr.NO. 11429

Cr1.O.P.No.3805 of 2022

NRL (CO)
A.SK (16/03/2022)