



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5194 of 2021

and

Crl.M.P.Nos.10263 & 3333 of 2021

Mohammed Barkath Sultan

...Petitioner/Accused

Vs.

1. The State,

Represented by its Inspector of Police,

G-3, Kilpauk Police Station,

Kilpauk,

Chennai - 600 010.

(Crime No. 52 of 2020)

...1st Respondent/Complainant

2. K.Malathi

...2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.52 of 2020 on the file of the 1st Respondent, and to quash the same.

For Petitioner : Mr.Govind Chandrasekhar

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

For R2 : Mr.N.S.Sivakumar

O R D E R

This petition has been filed to quash the FIR in Crime No. 52 of 2020 on the file of the first respondent police as against the petitioner.

2. The learned Counsel appearing for the petitioner would submit that a case of landlord-tenant dispute has been escalated



as a case of forgery and fabrication of documents. The petitioner did not commit any offences as alleged in the impugned FIR. Based on a false complaint, the first respondent police registered a case as against the petitioner in Crime No. 52 of 2020 for the offences under Sections 465, 468, 471, 420 of IPC. Hence, he prayed to quash the proceedings.

3. The learned Additional Public Prosecutor would submit that the petitioner's father-in-law was a tenant under the 2nd respondent. While so, the petitioner has fabricated the lease deed. He would further submit that investigation is at the initial stage and the grounds raised by the petitioner is factual in nature. Hence, he opposed to quash the proceedings.

4. The learned counsel appearing on behalf of the 2nd respondent would submit that the petitioner's father in law was a tenant under the 2nd respondent / defacto complainant and the petitioner had fabricated the lease deed and created false documents.

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

6. It is seen from the First Information Report that there are specific allegation as against the petitioner, 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. In view of the above, this Court is not inclined to quash the FIR in Crime No.52 of 2020. Accordingly, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are also closed. Further the respondent police is directed to complete the investigation and file the final report before the concerned Court within a period of four months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS)

// True Copy //

Sub Assistant Registrar

nti/nr



To

1. The Inspector of Police,
G-3, Kilpauk Police Station,
Kilpauk,
Chennai - 600 010.

2. The Public Prosecutor,
High Court of Madras.

Copy to

- 1 The VIII Assistant City Civil Court,
Chennai.
- 2 The Second Metropolitan Magistrate,
Egmore,
Chennai.
- 3 The Chief Metropolitan Magistrate,
Egmore,
Chennai.

+2cc to Mr.N.S.Sivakumar, Advocate Sr.No.18029

Crl.O.P.No.5194 of 2021
and
Crl.M.P.Nos.10263 & 3333 of 2021

GPL (CO)
RN(30/03/2022)