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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6015 of 2022
and
Crl.M.P.No.3349 of 2022

- 1.Muthiramalinga Pandi,
S/o.Kalimuthu.
- 2.Hakkim,
S/o.Mohammed.
- 3.Mohammed Hakkim,
S/o.Santhu Mohammed.
- 4.Jothi,
S/o.Veluswamy.

... Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
District Crime Branch,
Coimbatore.
(Crime No.20 of 2021)
2. S.N.Raja,
Sub-Registrar,
Sub-Registrar Office at Sulur,
Coimbatore

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the FIR in Crime No.20 of 2021 on the file of the Inspector of Police, District Crime Branch, Coimbatore and to quash the same.

For Petitioner	: Mr.C.D.Sugumar
For R1	: Mr.A.Gokulakrishnan Additional Public Prosecutor
For R2	: No Appearance

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the FIR in Crime No.20 of 2021 on the file of the Inspector of Police, District Crime Branch, Coimbatore and to quash the same.



2. The learned counsel for the petitioner would submit that one Jovitha Benjamin, who had given a Power of Attorney to the first and second petitioners to sell her property. Based on the power of attorney, the first and second petitioners have sold the property to four different individuals in which the third and the fourth petitioners have acted as agents and they have also signed as witnesses in the documents.

3. Later, it came to light that the original Jovitha Benjamin was died in the year 2015. The accused person who had impersonated herself as Jovitha Benjamin had sold the properties belonging to original Jovitha Benjamin. When the petitioners came to know about the impersonation, the sale deeds have been cancelled, even prior to the registration of the case.

4. Per contra, the learned Additional Prosecutor would submit that as per the complaint made by the Sub-Registrar, Sulur, Coimbatore, a case has been registered. He would further submit that the petitioners knowingly colluded with the first accused, who had impersonated herself as Jovitha Benjamin and have sold the properties to four different individuals and have taken the sale consideration and shared their booty. Subsequently, when the innocent purchasers came to know about the registration of the case have cancelled the sale deeds and they were also victims in this case as they are innocent purchasers and they have lost their money in the transaction process and he would further submit that the investigation is still pending.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioners have not received any money other than commission and he would further submit that the petitioners have also been cheated.

6. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

7. 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.

8. However, this Criminal Original Petition is disposed of and the respondent is directed to look into the documents furnished by the petitioners. The investigation shall go on and



file a final report as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rgm/vkr

To

1. The Inspector of Police,
District Crime Branch,
Coimbatore.
2. The Public Prosecutor,
Madras High Court.

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Crl.M.P.No.3349 of 2022

GPL(CO)
CT 07/04/2022