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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

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

Cr1.O.P.No.7045 of 2022

and

Cr1.M.P.No.3995 of 2022

Ashok Kumar @ Ashokan,
S/o.(Late) M.Arumugam

...Petitioner

Vs

1.The State represented by,
The Sub-Inspector of Police,
District Crime Branch,
Anti Land Grabbing Special Cell,
Vellore.

2.C.Ravi,
S/o.Chellappa Reddy

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., pleased to call for the records in FIR.No.26 of 2021 on the file of the first respondent and quash the same with regard to the petitioner herein.

For Petitioner	:	Mr.N.Prakash
For Respondents	:	
For R1	:	Mr.A.Gokulakrishnan Additional Public Prosecutor

ORDER

Mr.A.Gokulakrishnan, learned Additional Public Prosecutor takes notice on behalf of the first respondent.

2. The learned counsel for the petitioner would submit that the petitioner is an innocent purchaser. Believing A-1 and A-2, the petitioner has purchased the property from one Karthiyzhini, D/o.Govinda Reddy. The said Govinda Reddy had executed a settlement deed in favour of his daughter, who is a differently abled person and the petitioner had purchased the property after



paying a valuable consideration. He would further submit that the said Govinda Reddy has received the property from his father M.G.Manikkam Reddy by way of a will dated 15.05.1966 executed by his grand father one Ganesh Reddy.

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3. The learned counsel for the petitioner would further reiterate that he is only an innocent purchaser, believing A-1 and A-2 had purchased the property from A-1 and A-2, who are from the same village. There are rival claims which would lead only to a civil dispute based on a false complaint given by the second respondent who alleged to have purchased the property only during the year 2011.

4. The learned Additional public Prosecutor would submit that the investigation is at initial stage and the grounds raised by the petitioner are factual in nature. He would further submit that as per the second respondent/defacto complainant, the petitioners A-1 & A-2 knowing very well that the property belongs to the second respondent/defacto complainant by fabricating the revenue documents, the petitioner and the co-accused have transferred the property in their favour.

5. The learned Additional Public Prosecutor for the first respondent would further submit that investigation is still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition. The learned Additional Public Prosecutor would further submit that during the course of investigation, the documents furnished by the petitioner will also be taken into consideration.

6. Heard both sides and perused the materials available on record.

7. 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.

8. In view of the above, this Court directs the first respondent to take into consideration and verify the documents submitted by the petitioner and complete the investigation and file a final report before the concerned Court, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.



9. This Criminal Original Petition is dismissed with the above observations. Consequently, connected Criminal Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1.The Sub-Inspector of Police,
District Crime Branch,
Anti Land Grabbing Special Cell,
Vellore.

2.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.N.Prakash, Advocate SR. No.21509

Crl.O.P.No.7045 of 2022
and Crl.M.P.No.3995 of 2022

EV (CO)
PR (11/04/2022)