



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9039 OF 2022

AND

CRL.M.P.NO.5251 OF 2022

1.K.V.Gopalakrishnan

2.K.G.Lakshmi Devi

...Petitioners

Vs

1.The Inspector of Police,
Central Crime Branch, Team 23-A,
Land Grabbing Cell-II,
Vepery, Chennai - 600 007.

2.Inderchand D.Kochar

...Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records and quash the FIR dated 01.10.2010 registered in Crime No.487 of 2010, on the file of the 1st respondent.

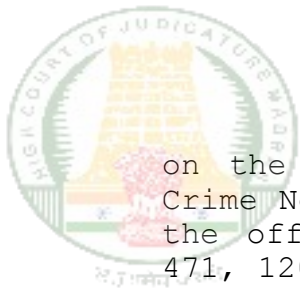
For Petitioners : Mr.R.Munuswamy

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records and quash the FIR dated 01.10.2010 registered in Crime No.487 of 2010, on the file of the 1st respondent.

2. The case of the prosecution as per the de-facto complainant is that he is the absolute owner of 15 sites situated at T.G.Swamy Nagar, Vadaperumbakkam Village, Ambattur Taluk, Tiruvallur District. The accused 1 to 5 who sold the property to him under registered deeds on 23.08.2005 and the further allegations is that after selling the property to the complainant, A1 to A5 had fabricated a power of attorney in favour of A6 and A7 and once again sold the property. Thereby,



on the complaint given by the defacto complainant, a case in Crime No.487 of 2010 was registered by the first respondent for the offences under Section 406, 420, 423, 465, 467, 468, 469, 471, 120 (b) r/w 34 IPC.

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3. The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A6 and A7 and the dispute is in between the complainant/R2 and Accused 1 to 5. He would also submit that the petitioners are innocent purchasers of the property. Hence, he prayed to quash the FIR in Crime No.487 of 2010.

4. The learned Additional Public Prosecutor appearing for the first respondent would submit that the accused 1 to 5 have sold 15 plots in favour of the complainant. Subsequently, they have also fabricated a power of attorney in favour of A6/1st petitioner, who was in turn sold the property to his wife, A7/2nd petitioner. He would further submit that the grounds raised by the petitioners are factual in nature and the investigation is at initial stage and it has to be investigated. He would also submit that without any legal points, the proceedings cannot be quashed.

5. At this juncture, the learned counsel for the petitioner would submit that earlier the trial Court had directed the respondent police only to conduct preliminary enquiry, whereas, they have registered a case and conducted the enquiry.

6. In reply, the learned Additional Public Prosecutor would submit that the prima facie materials are available for registering a case and they have initiated the investigation.

7. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent and perused the materials available on record.

8. 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.

9. Taking into consideration the submissions made by the learned counsel for the petitioner, this Court is of the opinion that the first Respondent is directed to look into the documents produced by the petitioners and conduct investigation as to



whether they are innocent/genuine purchasers and file the final report as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

10. Accordingly, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

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To

1. The Inspector of Police,
Central Crime Branch, Team 23-A,
Land Grabbing Cell-II,
Vepery, Chennai - 600 007.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Munuswamy, Advocate Sr.No.27251

Cr1.O.P.No.9039 of 2022
and
Cr1.M.P.No.5251 of 2022

SKM(CO)
RVM(10/05/2022)