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CRL.O.P.NO.7583 OF 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM:

THE HON'BLE MS.JUSTICE R.N.MANJULA

CRL.O.P.NO.7583 OF 2021
AND CRL.M.P.NO.5046 OF 2021

- 1 G.VIVEKANANDAN
- 2 R.JAYACHANDRAN
- 3 M.ULAGANATHAN
- 4 S.JAI SHANKAR
- 5 S.OM PRAKASH
- 6 G.INBASEKARAN
- 7 G.DEVIRAMANI
- 8 P.G.BABU
- 9 V.AMARAJOTHI
- 10 S.DEVASUNDARI
- 11 T.SHANTHI
- 12 S.SANKARI
- 13 C.S.RAJESH
- 14 V.AMRUTHA



CRL.O.P.NO.7583 OF 2021

15 T.AYYAPPAN

16 T.DEVI

17 S.DINESH

... Petitioners/

Accused 1to 3, 5 to 11, 16 to 19, 21 to 23

Vs

1 THE INSPECTOR OF POLICE

CCB-II CHENNAI-CCB COMMISSIONER OFFICE

VEPPERY CHENNAI-7. ... Respondent / Complainant

2 PAWAN KUMAR

... Respondent / *Defacto*-Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the impugned FIR in Cr.No.3 of 2021 on the file of Inspector of Police, CCB-II, Chennai-CCB, Chennai and quash the same.

For Petitioners	:	Mr.L.Jaivenkatesh
For Respondent-1	:	Mr.A.Damodaran
		Additional Public Prosecutor
For Respondent-2	:	Mr.V.R.Balasubramanian

ORDER

This Criminal Original Petition has been filed to call for the records relating to the impugned FIR in Cr.No. 3 of 2021 on the file of Inspector of Police, CCB-II, Chennai-CCB, Chennai and quash the same.



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2.The petitioners are arrayed as accused 1 to 3, 5 to 11, 16 to 19 and 21 to 23 respectively, on the complaint given by the second respondent. The second respondent is the *defacto* complainant. In the complaint given by the second respondent, it is stated that on 01.11.2019, the petitioners came to his office and demanded money and also threatened him that if he did not give money, they would file a false case against him by alleging that he has grabbed their lands. It is further alleged that one document writer by name Selvaraj had played a vital role in concocting documents and helped the other accused to grab money by creating problems with the original owners, who have got proper title over the properties. On the basis of the complaint, a case has been registered by CCB II, Chennai, in Crime No.3 of 2021 for the offence under Sections 465, 467, 468, 471 r/w 34 and 120(B) IPC.

3.Heard the submissions made by the learned counsel on either side and perused the materials available on record.

4.The learned counsel for the petitioners submitted that there is no material whatsoever available on record to make out the offences against these accused. It is further submitted that no such occurrence had ever occurred and the same is visible even from the manner in which the complaint has been given.



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5.The learned Additional Public Prosecutor for the respondent police submitted that investigation in this case is completed and the charge sheet is sent for the approval of the Additional Public Prosecutor.

6.The learned counsel for second respondent submitted that there are enough ingredients in the complaint itself to make out a case against the accused and it is not a case where the FIR should be quashed at the threshold itself. Only if the investigation is allowed to be done the real fact will come out and hence, the petition should be dismissed.

7.On perusal of the records, it is seen that the second respondent /*defacto* complainant is involved in construction business and he has constructed many buildings and sold the same. It is alleged that the petitioners were in the habit of claiming false right over the property sold and enjoyed by the rightful owners and threatened them to grab money. They used to create documents with the help of one Selvaraj, who is a document writer and claim false title; unless the investigation is allowed to be done, lot of facts which have been alleged by the petitioners cannot be unearthed. These type of cases deserve a detailed investigation in order to find out what had happened actually. The *defacto* complainant has given a detailed account of the occurrence and it makes out a *prima facie* case.



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8. This is not a case which should be quashed at the threshold itself.

The Court should rarely use the powers under Section 482 of Cr.PC to quash the proceedings and the usual course is to allow the investigation agency to investigate the case and come out with their report.

9. Since the Additional Public Prosecutor has also submitted that the investigation in this case is almost completed and the final report has been sent to the approval of the Additional Public Prosecutor, I feel it is appropriate to allow the investigation should go. Hence the petition is liable to be dismissed.

With the above stated reasons, this Criminal Original Petition stands **dismissed**. Connected Criminal Miscellaneous Petition is dismissed.

23.11.2022

Index: Yes/No
Internet: Yes/No
Speaking / Non-Speaking
jrs



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R.N.MANJULA, J.

jrs

To

1.The Inspector of police ,
CCB-II CHENNAI-CCB
Commissioner Office,
Veppery, Chennai-7.

2.The Public Prosecutor,
High Court of Madras.

CRL.O.P.No.7583 OF 2021
AND CRL.M.P.No.5046 OF 2021

23.11.2022