



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.9969 of 2021
and
CrI.M.P.No.6101 of 2021

1.D.Abirami
2.V.Prema
3.Dharmaraj

... Petitioners

Vs.

The State represented by

1. The Inspector of Police,
CCB - II, Vepery,
Chennai in Cr.No.79 of 2020.

2. B.Annadurai

... Respondents

PRAYER: The Criminal Revision Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records connection with FIR in Cr.No.79 of 2020, pending on the file of the respondent herein and quash the same as against the petitioners A2, A3 and A9.

For Petitioners : Mr.S.N.Thangaraj

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
Mr.S.Muthuraman for R2.

O R D E R

This Criminal Revision Petition has been filed seeking to call for the records in connection with the First Information Report in Crime No.79 of 2020, pending on the file of the 1st respondent Police and quash the same as against the petitioners, who are A2, A3 and A9.

2. Mr.S.N.Thangaraj, learned counsel appearing for the petitioners submitted that the petitioners are arrayed as A2, A3



and A9 in the case registered by the first respondent on the complaint of the second respondent. He would submit that the petitioners 1 and 2 are innocent purchasers of the property and the third petitioner is the husband of the second petitioner, who had signed as witnesses in both the sale deeds. The petitioners are innocent purchasers and they have not suppressed their identity and they have purchased the property after paying the market price of the property. Coming to know that the petitioners were cheated, the third petitioner has given a complaint to the first respondent on 25.02.2021 to take action against the persons who had sold the property to them.

3. The learned counsel would further submit that the persons who had sold the property to them had handed over the original title deeds and the parent documents and the petitioners having convinced with those documents had purchased the property. Subsequently, they have also sold the property to the subsequent purchasers. The subsequent purchasers had also purchased the property after convincing with the original title deeds and the parent documents. The petitioners also came to understand the original title deeds and the parent documents have also been recovered from the buyers of the petitioners. It is a clear case were the petitioners have been taken for a ride by unscrupulous elements. Since, the petitioners are innocent purchasers, he would seek for quashing the proceedings against them.

4. The learned Additional Public Prosecutor would submit that investigation is still pending and this petition is in premature stage and hence, he prayed for dismissal of this petition.

5. At this juncture, the learned counsel for the second respondent/defacto complainant would submit that the defacto complainant had purchased the property as early as 12.02.1996 and given the complaint as early as 08.08.2019 prior to the complaint of the petitioner dated 28.08.2020. He would further submit that the original title deeds and the parent documents are available with the defacto complainant.

6. Heard the counsel and perused the materials available on record.

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. Considering the submissions made on either side and the case is only in the initial stage of investigation, this Court directs the 1st respondent to take note of the complaint of the petitioners dated 25.02.2021, complete the investigation and to file a final report as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

9. Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

vkcr/gba/tsh

To

1. The Inspector of Police,
CCB - II, Vepery,
Chennai
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.N. Thangaraj, Advocate, S.R.No.7632

+1cc to Mr.S.Muthuraman, Advocate, S.R.No.7772

Cr1.O.P.No.9969 of 2021 and
Cr1.M.P.No.6101 of 2021

PCH (CO)
SU(01/03/2022)