



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.04.2022
CORAM

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.17060 of 2019
and Crl.M.P.No.8599 of 2019

G.Ramanathan ... Petitioner/Accused
Versus

State by

1.The Inspector of Police,
District Crime Branch, Krishnagiri,
Krishnagiri District.

2.Pushpa ... Respondents/Defacto Complainant

Prayer: This Criminal Original Petition has been filed under Sections 482 of Criminal Procedure Code calling for the records and quash the FIR in Crime No.4 of 2019 on the file of the Inspector of Police, District Crime Branch, Krishnagiri District.

For Petitioner : Mr.M.Jayachandran
For R1 : Mr.R.Vinothkumar
Government Advocate (Crl.Side)
For R2 : M/s.Manjula Chavan

ORDER

This Criminal Original Petition has been filed seeking to call for the records and quash the FIR in Crime No.4 of 2019 on the file of the first Respondent Police.

2. The learned Counsel for the Petitioner submitted his arguments. As per the arguments of the learned Counsel for the Petitioner, the Petitioner was serving as a Village Administrative Officer (VAO) of Palliyam Village, Dharmapuri District. As per the averments in the complaint, the second Respondent herein had stated that based on the Nativity Certificate issued by the Petitioner herein, the brother of the second Respondent had obtained Nativity Certificate and sold the properties, wherein, the father of the second Respondent had properties. Those properties were sold after the death of the father without the knowledge of the second Respondent/defacto Complainant. It is an averment in the complaint that the brother of the second Respondent/defacto Complainant colluded with this Petitioner, who was working as VAO at Palliyam Village, Kudalur (P.O.), Harur Taluk, Dharmapuri District.



3. Further, it is the averments in the complaint that the second Respondent had obtained direction from this Court and based on that only, the District Crime Branch, Krishnagiri had registered an FIR in Crime No.4 of 2019. The learned Counsel for the Petitioner submitted that there had been dispute between the second Respondent/defacto Complainant and her brothers, based on which, suit had been filed and the same had been dismissed. When there is a Civil litigation, the averments in the complaint and the FIR can be considered as only to cause harassment to the Petitioner. Therefore, he seeks to quash the FIR in Crime No.4 of 2019 registered by the District Crime Branch, Krishnagiri.

4. The learned Government Advocate (Crl.Side) for the first Respondent vehemently objected to the submissions of the learned Counsel for the Petitioner seeking to quash the FIR stating that there are enough materials in the complaint regarding the collusion between the Petitioner and the brothers of the defacto Complainant. Since at the admission stage interim stay was granted, final report is yet to be filed. The Investigating Officer is within his discretion to collect materials. If what had been submitted by the learned Counsel for the Petitioner is found on the investigation, the Investigating Officer is within his power to strike out the name of the Petitioner.

5. Also, the learned Counsel for the Petitioner furnished a copy of the order in Crl.O.P.No.15013 of 2019 dated 09.12.2020, wherein FIR against one S.Visalatchi/A3 in Crime No.4 of 2019 had been quashed by a learned Single Judge of this Court. For this, the learned Government Advocate (Crl.Side) submits that the said Visalatchi was a subsequent purchaser. Therefore, the FIR was quashed and that does not have a bearing in this case. Here, in the case, VAO had colluded with the brother of the second Respondent/defacto Complainant in issuing the Nativity Certificate. Based on the Nativity Certificate, the brother of the defacto Complainant had sold the property, thereby the second Respondent/Defacto Complainant had suffered loss. Therefore, it is the subject matter to be investigated by the Investigating Officer. At the admission stage interim stay was granted, investigation could not proceed. Therefore, the learned Government Advocate (Crl.Side) vehemently objects to quash the FIR.

6. Considering the vehement objection of the learned Government Advocate (Crl.Side) for the first Respondent, the submissions of the learned Counsel for the Petitioner cannot at all be considered at this stage. Considering the fact that the second Respondent having approached this Court and on the basis of the direction of this Court, District Crime Branch, Krishnagiri had registered an FIR in Crime No.4 of 2019 for the offences under Sections 467, 468, 417, 419 and 420 of IPC.



In the course of the arguments, the learned Counsel for the Petitioner submitted that the suit filed and pending on the Civil Court had been dismissed and in those circumstances, the Civil case does not have a bearing on this complaint.

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7. In view of the above observations, the Criminal Original Petition is dismissed with a direction to the Investigating Officer to proceed with the investigation and to lay the final report before the learned Judicial Magistrate concerned, where the offences investigated by the District Crime Branch, Krishnagiri has to be filed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,Krishnagiri.

2.The Inspector of Police,
District Crime Branch,
Krishnagiri District.

3.The Public Prosecutor,
Madras High Court,
Chennai.

+1 cc to Mr.M.Jayachandran, Advocate Sr.NO. 29898

Cr1.O.P.No.17060 of 2019

and

Cr1.M.P.No.8599 of 2019

SR(CO)

A.SK(26/05/2022)