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CrI.O.P.No.24111 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.24111 of 2022

and

CrI.M.P.No.15278 of 2022

Vijay Babu

...Petitioner

/vs/

1.State by

The Inspector of Police,
J-12, Kanathur Police Station CCB TBM,
Chennai (Crime No.64 of 2022)

2.V.Pream Kumar

... Respondents

Prayer : The Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for the records and quash the FIR in Crime No.64 of 2022 on the file of the Inspector of Police, J-12, Kannathur Police Station (CCB TBM) Chennai.

For Petitioner

... Mr.A.Ashwin Kumar for
M/S.S.Udhayakumar

For Respondent
No.1

... Mr.S.Santhosh
Government Advocate (CrI.Side)



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ORDER

This Criminal Original Petition has been filed to call for records and quash the FIR in Crime No.64 of 2022 for the alleged offences under Sections 465, 468, 471 and 420 of IPC, pending on the file of the 1st respondent police.

2. The learned counsel for the petitioner has submitted that the petitioner is the fourth accused in Cr.No.64 of 2022, in which, there is no specific allegation as against the petitioner with regard to the registration of document, dated 29.06.2017. He had purchased the property to the extent of 1500 sq.ft for a reasonable consideration. Being a bonafide purchaser, he cannot be tagged in this case as an accused and hence, he has pleaded to quash the FIR.

3. The learned Government Advocate (Crl.Side) has submitted that there is a specific allegation against the petitioner that this petitioner, along



with others, purchased the property, worth about Rs.1 Crore for the lesser value of Rs.10 lakhs and hence, the more worthwhile property has been purchased under lesser market value. Therefore, only after investigation, the police can find out the truth whether the petitioner is only a bonafide purchaser for or not. Before the completion of investigation, it is not proper to quash the investigation.

4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the first respondent police.

5. A perusal of the records reveals that the petitioner is the fourth accused in Cr.No.64 of 2022 on the file of the respondent police. According to the petitioner, he is a bonafide purchaser. The complainant in the complaint has stated that the petitioner colluded with VGS.AmalDas Rajesh, Roseline & Rabi Navis Pio had forged and fabricated documents. Therefore, the case has been registered and admittedly, the same is under investigation. Even though there is no allegation that the petitioner directly



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committed any forgery, it is alleged that he colluded with other persons, had created forged documents and executed sale deed and thereby committed fraud. Under these circumstances, whether this petitioner is a bonafide purchaser for a reasonable value or he is having any transaction with the other accused person, has to be investigated. Therefore, it does not meet the parameters laid down by the Hon'ble Supreme Court in ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)***, ***M/s Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra and others (2021 SCC online 315) & PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrI.L.J.817)***. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore, I find no merit and investigation is to be conducted to find out the truth.

5. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
gv

10.10.2022



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To

1. The Inspector of Police,
J-12, Kanathur Police Station CCB Team,
Chennai
2. The Public Prosecutor,
High Court, Madras.



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V.SIVAGNANAM ,J.

gv

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