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CrI.O.P.No.25730 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.25730 of 2022

and

CrI.M.P.No.15928 of 2022

Neelavathi

... Petitioner

Vs.

1.State Inspector of Police,
Valsaravakkam Police Station,
Chennai District.
(Crime No.116 of 2022)

2.Sumathi

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.116 of 2022 on the file of the Inspector of Police, Valsaravakkam Police Station, Chennai District to quash the same.

For Petitioner : Mr.S.Suresh

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 116 of 2022 on the file of the first respondent for the offences punishable under Sections 419, 420, 465, 467, 468 & 471 of IPC.



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2.The learned counsel for the petitioner submitted that the petitioner only received a settlement deed from her husband Ramesh Kumar, who is an accused in this case, on 27.11.2021. Thereafter, on the same day itself, she gave Power of Attorney to one Ranganathan and Pattabiraman. He would further submit that the petitioner is no way connected with the alleged offence. Hence, the present petition has been filed.

3.The learned Government Advocate (crl.side) appearing for the first respondent submitted that in this case, investigation is under progress.

4. I have considered the matter in the light of the submission made by the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent.

5. On perusal of records, it is seen that the first respondent registered a case against one Ramesh Kumar and others for the offences punishable under Sections 419, 420, 465, 467, 468 & 471 of IPC. The allegation is that one Subramanian got some properties and he died on 10.09.2020. Since the said Subramanian had no direct legal heirs, the second line legal heirs decided to



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settle the properties after getting legal heir certificate. In the meanwhile, they kept all the documents in the locked room. The main allegation is that the petitioner's husband one Ramesh Kumar and others had broken up the room and taken all the documents. The another allegation is that the said Ramesh Kumar executed sale deed in favour of the petitioner on 27.11.2021 and thereafter, on the same day itself, the petitioner also gave power of attorney to one Ranganathan and Pattabiraman.

6. Under these circumstances, the properties of one Subramanian is under dispute and the documents were taken by broken open the room and some properties have been transferred and the investigation at the beginning stage. Therefore, it does not meet the parameters laid down by the 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)*, the matter has to be investigated to find out the truth. 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.



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V.SIVAGNANAM,J.

shk

7. With the above direction, this Criminal Original Petition stands dismissed. However, the first respondent is directed to complete the investigation, within a period of five weeks from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

26.10.2022

Internet:Yes/No

Index:Yes/No

Speaking/Non speaking order

shk

To

1.The Inspector of Police,
Valsaravakkam Police Station,
Chennai District.

2. The Public Prosecutor,
High Court of Madras.

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and
Crl.M.P.No.15928 of 2022