



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

WEB COPY

CRL.OP(MD)No.22421 of 2018
and
Cr1.M.P(MD) No.10495 of 2018

1. Kannathaal
2. M.Viswanathan
3. M.Parthiban
4. Churchil
5. Chithra

... Petitioners/Accused Nos.1 to 5

-vs-

1. The State, Represented by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No. 39 of 2013)

... 1st Respondent/Complainant

2. Ramanigopal

... Respondent/ De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for the First Information Report, dated 12.02.2013, in Crime No. 39 of 2013, on the file of the first respondent and quash the same.

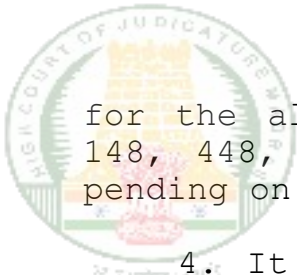
For Petitioners : Mr.T. SUGADEV
For R1 : Mr.R.SIVAKUMAR
Government Advocate (Cr1. Side)
For R2 : Mr.T.RAMANIGOPAL (Party-in-person)
No Appearance

ORDER

The above Criminal Original Petition has been filed seeking orders to call for the First Information Report, dated 12.02.2013, in Crime No. 39 of 2013, on the file of the first respondent and quash the same.

2. The petitioners are the accused Nos.1 to 5, in Crime No.39 of 2013, on the file of the first respondent. Though the second respondent/de-facto complainant/Ramanigopal has already entered into appearance and also filed typed set of papers, there is no representation in the last hearing as well as today.

3. On the basis of the complaint lodged by the second respondent, FIR came to be registered against the petitioners herein



for the alleged offences under Sections 467, 468, 471, 420, 147, 148, 448, 294(b) and 506(i) of IPC and that the investigation is pending on the file of the first respondent.

4. It is the case of the de-facto complainant that he is the power agent of the legal heirs of the deceased Veeraiah with whom property was assigned by the Government. It is evident from the typed set of papers filed by the second respondent that the petitioners 1 and 4 have filed a Civil Suit in O.S.No.331 of 2005, before the District Munsif Court, Melur claiming injunction not to alienate the property and also directing the Revenue authorities not to proceed with the mutation of names on the revenue records and that subsequently they have not pressed the suit and on that basis, the suit was ordered to be dismissed as not pressed on 28.09.2007.

5. The learned Government Advocate (Criminal Side) would submit that one Arumugam has entered into sale agreement with the first petitioner for selling the property involved in the present case and subsequently both of them have cancelled the sale agreement on 13.02.2013.

6. When the matter was taken up for hearing on 10.01.2022, the learned Additional Public Prosecutor has submitted that they have received VAO certificate and are proceeding with the investigation. Today, the learned Government Advocate has produced the copy of the VAO certificate wherein, it is evident that the property in Survey No.127/4 is shown as “பஞ்சமர்தரிசு” land.

7. Considering the above facts, this Court of the view that it is a matter for investigation. Hence, the first respondent is directed to proceed with the investigation and to file a final report within a period of two months from the date of receipt of a copy of this order.

8. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

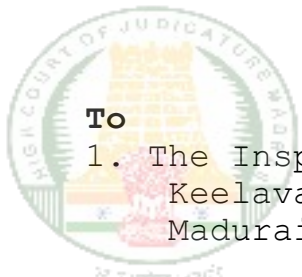
Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.OP (MD) No.22421 of 2018

and

Cr1.M.P (MD) No.10495 of 2018

02.02.2022

SA (18.02.2022) 3P 3c