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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18954 of 2023
and Crl.MP.No.12665 of 2023

Madhavan

Petitioner

vs.

1.State rep by
The CCB-II,
Chennai District
Crime No.75 of 2018

2.Seethalakshmi

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR in Crime No. 75 of 2018 dated 12.10.2019 on the file of the Inspector of Police, CCB-II Chennai in respect of the petitioner herein is concerned and quash the same.

For Petitioner : M/s. R.Thamarai Selvan

For Respondent :Mr. A. Damodaran,
Additional Public Prosecutor-R1

**ORDER**

This petition has been filed to quash the FIR in Crime No.75 of 2018 pending on the file of the 1st respondent.

2. The 2nd respondent has given a complaint to the 1st respondent to the effect that she has a shop in the property and that the accused person has sold the entire property including the shop of the 2nd respondent. Based on the complaint, the 1st respondent has registered an FIR for offence under Section 420 of IPC on 14.05.2018.

3. Heard Mr. R.Thamarai Selvan, learned counsel for the petitioner and Mr. A. Damodaran, learned Additional Public Prosecutor for 1st respondent.

4. It is seen from records that the 2nd respondent has filed a suit in OS No.32 of 2012 before the District Court, Karur, and this suit was decreed by judgement dated 29.06.2018 and a preliminary decree was passed in favour of the 2nd respondent to the effect that she is entitled for ¼ share in the property. The trial court further declared the sale deed dated 26.11.2007 as not binding the share of the 2nd



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respondent. Aggrieved by the same, the petitioner and others have filed the appeal before this Court and the same is pending in AS No.138 of 2020.

5. It is also brought to the notice of this Court that the 2nd respondent has died in the year 2018 itself. In the light of these developments, there shall be a direction to the respondent police to complete the investigation in Crime No. 75 of 2018 and take into account the decree passed by the competent Civil Court and file a closure report before the concerned Court and thereby, the parties can be allowed to agitate their dispute before the competent civil Court.

6. This Criminal original petition is disposed of with the above directions. Consequently, the connected miscellaneous petition is closed.

22.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
rka



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N. ANAND VENKATESH, J.
rka

To

1. The CCB-II,
Chennai District.
2. The Public Prosecutor,
High Court, Madras

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