



Crl.OP.No.22078 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.22078 of 2023

and

Crl.MP.No.15318 of 2023

1. D.Solomon Selvaraj
2. Pushparaj
3. Mary
4. Pushpa
5. David Raj

... Petitioners

Vs.

1. State rep by its
Inspector of Police,
Central Crime Branch,
Tambaram Police Commissionerate
Semmozhi Salai, Sholinganallur,
Chennai-600 119.

2. R.Bhagwan Singh

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records culminated in the impugned FIR in Cr.No.5 of 2023 dated 18.07.2023 on the file of the first respondent police and quash the same as against the petitioners/accused 1, 3 to 6.



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For Petitioner : Mr.Jeyasakathi

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

Alleging that for the Civil dispute, the respondent police has registered an F.I.R in Cr.No.5 of 2023 on 18.07.2023 and claiming that by receiving the criminal complaint, the petitioner is subjected to face an ordeal of criminal prosecution which is contrary to the principle laid down by the Hon'ble Supreme Court rendered in *State of Haryana /Vs/ Bhajanlal* reported in (1992) 1 SCC 335, the present Criminal Original Petition has been filed.

2. However, the learned Government Advocate (Crl.Side) submits that the property which originally belong to one Paul Selvanayagam been claimed by Abraham and by two of his descendants under two different set of deeds. Investigation been now taken up and on the verge of completion. If any criminal offence is made out, the Investigating Officer will file final report appropriately.



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3. Taking note of the fact that pending civil dispute in Supreme Court, some documents been created by the rival claimants to favour their interest and that is now the subject matter of investigation in F.I.R Cr.No.5 of 2023. In such circumstances, investigation cannot be interfered under Section 482 of Cr.P.C and law should take its own and reach its logical end, by permitting the Investigating Officer to complete the investigation and place before the Court the records for its consideration. Hence, this petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Vv

10.10.2023

To

1. The Inspector of Police,
Central Crime Branch,
Tambaram Police Commissionerate
Semmozhli Salai, Sholinganallur,
Chennai-600 119.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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