



Crl.O.P.No.22394 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

**Crl.O.P.No.22394 of 2023
and Crl.M.P.No.15552 of 2023**

Baskaran

... Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
Bhuvanagiri Police Station,
Cuddalore.
(Cr.No.341/2022)

2. The Inspector,
H.R & C.E. Department,
Bhuvanagiri,
Cuddalore District.

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records of the first respondent in FIR.No.341 of 2022 and quash the same invoking the inherent powers enshrined under Section 482 of the Code of Criminal Procedure.

For Petitioner : Mr.V.Balamurugane
For Respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)



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ORDER

The petitioner herein who is shown as accused in FIR.341 of 2022 for the alleged offence under Sections 419, 420, 465, 472, 467, 468 of IPC is before this Court to quash the FIR. On the ground that the alleged property sold by him is his property as per the Court decree, and therefore HR & CE department has nothing to say about the sale. However, the FIR registered on 09.04.2022 indicates that before registering the document, no objection certificate purported to have been emanated from the HR & CE department is produced before the Registrar's office to get the sale deed registered and now the veracity and eminence of the NOC issued in the name of HR & CE department is under question. Based on the complaint given by Inspector HR & CE department, the case has been registered and this petitioner is alleged to have sold HR & CE property by fabricating documents.



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2. On perusing the FIR and hearing the counsel, this Court holds that this is not a case to quash the FIR by preventing the respondent police from investigating the case. The documents which are now being questioned will be tested during the investigation, and if the petitioner had a lawful right to alienate the property, no doubt an appropriate decision will be taken by the respondent police and file the report accordingly.

3. The learned Government Advocate (Crl.Side) states that since the documents produced for registering the property need to be scientifically tested, it may take three months time to complete the investigation.

4. Recording the same, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

04.10.2023

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