



WEB COPY

Crl.O.P.(MD)No.2267 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.2267 of 2023
and Crl.M.P(MD)No.2003 of 2023

1.Mathankumar

2.Murugappan ... Petitioners/Accused Nos.1 & 2

Vs.

1. The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.

(Crime No.333 of 2022) ... 1st Respondent/Complainant

2. Regunathan ... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of impugned FIR in Crime No.333 of 2022 from the file of the 1st respondent and quash the same as illegal.

For Petitioners	: Mr.V.Angusamy
For R1	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor
For R2	: Mr.N.Pragalathan

ORDER

This Criminal Original Petition is filed seeking for quashment of First Information Report in Crime No.333 of 2022 pending on the file of the first respondent police.



WEB COPY



2. It is submitted by the learned counsel for the petitioners that the petitioners are the absolute owners and possessors of the schedule of properties in S.No.743/5A-1 at Shanmugapuram Village, Thovalai Taluk, Kanyakumari District. The principal of the petitioners by name, Ramzaan Beevi obtained title of the said property by way of a registered settlement deed vide document No.1627/2022 dated 11.08.2022.

3. It is further submitted by the learned counsel for the petitioners that the second respondent has got patta by forgery and he has no right over the said properties. The first petitioner has given a complaint against the second respondent and one Vinoj and thereby a case has been registered against them in Crime No.332 of 2022 for the offences punishable under Sections 147, 294(b), 506(i) IPC and investigation is still pending. On the basis of the complaint given by the first petitioner, the said patta is said to have been cancelled and in spite of which they tried to trespass into the petitioners' land.

4. According to the petitioners, a false complaint has been given by the second respondent and a case has been registered in Crime No.333 of 2022 by the police against the petitioners for the offences punishable under Sections 147, 294(b), 506(1) IPC. Since the petitioners submitted



Crl.O.P.(MD)No.2267 of 2023

that the petitioners are the power of attorney holders of the principal and the principal has got title in her favour by way of a registered settlement deed, this Court is inclined to issue directions.

5. Accordingly, the petitioners are directed to submit all the documents to the concerned police and the respondent police are directed to consider those documents and examine the petitioners and complete the investigation in this crime as expeditiously as possible not later than 8 weeks from the date of receipt of a copy of this order. It is needless to state that the respondent police are directed not to take coercive steps including arrest until investigation is completed.

6. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
CM

11.07.2023



Crl.O.P.(MD)No.2267 of 2023

To

1. The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
(Crime No.333 of 2022)

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



WEB COPY



Crl.O.P.(MD)No.2267 of 2023

DR.D.NAGARJUN. J.

CM

Crl.O.P.(MD)No.2267 of 2023
and Crl.M.P(MD)No.2003 of 2023

11.07.2023