



Crl.O.P.(MD) No.16845 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.16845 of 2023

A.Manojkumar

... Petitioner

Vs

1. The Central Crime Branch,
Madurai City. Cr. No. 26/2022, Madurai District.

2. Rajkumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pursuant to the FIR in Crime No.26 of 2022 pending on the file of the 1st respondent police and quash the same in so far as the petitioner.

For Petitioner : Mr.S.Raja Mohamed

For Respondent : Mr.M.Sakthi Kumar (R1)
Government Advocate (Crl)



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ORDER

This Criminal Original Petition had been filed seeking for a direction to quash the FIR in Crime No.26 of 2022 pending on the file of the 1st respondent Police.

2.The case of the prosecution is that the defacto complainant has purchased the property in S.No.115/2 with an extent of 52 cents, situated at Tallakulam Village, North Taluk, Madurai through a registered sale deed, in Doc.Nos.3237 and 3838 of 2005, dated 21.11.2005. A1 to A4 created fraudulent unregistered tenancy deed in respect of the said property in the name of A5. Further, A5 registered a settlement deed in favour of A6. Hence, the complaint.

3.It is the contention of the learned counsel appearing for the petitioner is that the petitioner is arrayed as A6. Without knowing the history of the property, his father (A5) has settled the property in his favour. Hence, prays to allow the petition.



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4.The learned Government Advocate (Crl) appearing for the first respondent would submit that the petitioner is a beneficiary and he colluded with the other accused persons and has fabricated the records. The property is originally belongs to the Trust. By creating fabricated documents, the property has been settled by the father of the petitioner (A5) to the petitioner (A6). The investigation is still in nascent stage. Hence, prays to dismiss the petition.

5.Considering the above facts and circumstances, considering the nature of offences and that the petitioner seems to be a beneficiary that the petitioner's father has colluded with other accused persons and fabricated the documents and has wrongfully settled the property in favour of the petitioner, since the investigation is still in preliminary stage, I find no reason to entertain this quash petition at this stage. The petitioner is directed to co-operate with the investigating agency in completing the investigation.



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6.In view of the above, this Criminal Original Petition stands dismissed. The first respondent is directed to complete the investigation and file charge sheet before the concerned Court within a period of five months, from the date of receipt of copy of this order.

04.10.2023

NCC:Yes/No
Internet:Yes/No
Index:Yes/No
PNM

To

1. The Central Crime Branch,
Madurai City. Cr. No. 26/2022, Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J.

PNM

ORDER IN
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