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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.4401 of 2024
and CrI.M.P No.3294 of 2024

K.S.Prasad

Petitioner

vs.

1.The Inspector of Police,
CCB-Avadi City,
Avadi,
Crime No.9 of 2022

2.K.Gouthaman

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in respect of the impugned FIR in Crime No.9 of 2022 dated 21.06.2022 on the file of 1st respondent police CCB-Avadi and consequentially quash the same.

For Petitioner : Mr.J.Ramesh

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1

**ORDER**

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This criminal original petition has been filed to quash the impugned FIR in Crime No.9 of 2022 dated 21.06.2022 on the file of 1st respondent police CCB-Avadi.

2.The learned counsel for the petitioner submitted that sister of the petitioner who has been arrayed as A7 is an innocent purchaser of the property and that she has purchased the property by paying valid consideration. A7, thereafter had executed a Settlement Deed in favour of the petitioner and thereby, the petitioner became the absolute owner of the property. The petitioner is being called for an enquiry time and again by the police and therefore, there is a reasonable apprehension in the mind of the petitioner that he has been arrayed as accused in this case.

3.The learned Additional Public Prosecutor on instructions submitted that till date, the petitioner has not been arrayed as accused in this case. The petitioner is being called for an enquiry by issuing notice under Section 41A of Cr.P.C., in order to ascertain the facts. Ultimately, whether the petitioner is going to be added as an accused or going to be treated as a witness in this case, will be a decision taken at a later point of time.



4.Considering the above submissions made by the learned Additional Public Prosecutor, as on date, the petitioner has not been arrayed as an accused in this case. Hence, there is no scope to quash the FIR on the basis of the present petition filed by the petitioner. It is left open to the respondent police to proceed further with the investigation. If at all, the petitioner is made as an accused in this case by filing an alteration report or at the time of filing of the final report, it will be left open to the petitioner to workout his remedy in the manner known to law,

5.This criminal original petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed.

26.02.2024

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

To

1.The Inspector of Police,
CCB-Avadi City, Avadi,

2.The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

SSR

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