



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 4195 of 2022
& Crl. MP. No.2099 & 2103 of 2022

1.P.Jayapal
2.Pattan
3.Thirupathi
4.Lakshmanan
5.P.Ramasamy

[PETITIONERS]

Vs

1.The Deputy Superintendent of Police
District crime Branch
Salem. Crime No. 7 of 2020
2.Palaniappan .S

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records and quash the final report filed by the respondent in C.C No. 42 of 2021 pending before the Judicial Magistrate No.6, Salem.

For Petitioners	: Ms. S.Ramesh Kumar
For R1	: Mr. S.Vinoth Kumar
	Government Advocate (Crl. side)
For R2	: Mr.E.C. Ramesh



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ORDER

The petitioners herein filed this petition to call for the records and quash the final report filed by the respondent in C.C No. 42 of 2021 pending before the Judicial Magistrate No.6, Salem.

2. According to the petitioners, they have obtained valid decree against the second respondent who failed to execute the sale agreement but the second respondent gave a false complaint as if the petitioners fabricated the records and obtained decree fraudulently in O.S No. 35 of 2013. Hence, the petitioners wants to quash the proceedings as there is not material ingredients against the petitioner for the alleged offence. Hence, they prayed to allow this petition.

3.The submission of the learned Government Advocate is that the second respondent Palaniappa got a property through auction. A1 is the original owner of the property who obtained loan by mortgaging the property as he failed to pay the loan to the TIIC the property was auctioned in the year 1997 wherein this R2/defacto complainant was auction purchaser, from the year 2006 as he took possession of the property and enjoyed as absolute owner. While being so, A1 in order to grab the said



property fabricated the sale agreement and filed the suit by giving wrong information to the Court and obtained ex parte decree. Based on the decree Execution petition was filed in E.P No. 14 of 2016. By suppressing the earlier auction now the A1 obtained ex parte decree. Hence, the defacto complainant lodged a complaint and investigation also completed. There is a prime material against the petitioner. Hence, this Court is not inclined to quash the proceedings.

4. In the result, this petition is dismissed. No Costs. Consequentially, connected miscellaneous petition is closed.

23.02.2024

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T.V.THAMILSELVI, J.

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To

1.The Public Prosecutor, High Court, Madras.

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23.02.2024.