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Crl.OP.Nos.5395and14018 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.Nos.5395 and 14018 of 2024
and
Crl.MP.Nos.3949, 8525 and 8526 of 2024

Crl.OP.No.5395 of 2024

V.Perumal

... Petitioner

Vs.

1. The State rep by
The Inspector of Police,
Central Crime Branch,
Salem City
Crime No.2 of 2024

2. A.Saravanan

... Respondents

Crl.OP.No.14018 of 2024

N.Raveendran

... Petitioner

Vs.

1. The State rep by
Inspector of Police,
CCB-II,Salem City
Crime No.2 of 2024

2. A.Saravanan

... Respondents



CrI.OP.Nos.5395and14018 of 2024

Prayer in CrI.OP.No.5395 of 2024: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the impugned FIR in Cr.No.2 of 2024 on the file of the 1st respondent, quash the same, in so far as the petitioner is concerned, by allowing this Criminal Original Petition.

Prayer in CrI.OP.No.14018 of 2024: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Cr.No.02 of 2024 on the file of the CCB-II, Salem dated 02.02.2024 and quash the same.

For Petitioners : Mr. N.Manoharan
(in CrI.OP.No.5395 of 2024)

: Mr. V.P.K.Gowtham
(in CrI.OP.No.14018 of 2024)

For Respondents : Mr. S. Udaya Kumar,
Government Advocate (CrI.Side)
for R1
: Mr.C.Balaji for R2
(in both CrI.OPs)

COMMON ORDER

This Criminal Original Petition is filed to quash the Cr.No.02 of 2024 on the file of CCB 2, Salem City.

2. The learned counsel for the petitioner/A2 submits that except a pagereference about the petitioner Perumal, a retired Tahsildar that he



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also conspired with the other accused, there is nothing specifically mentioned in the FIR to rope in for the alleged offence. Further more, it is submitted that it is purely a dispute among the sharers and Suit in O.S.No.584 of 2014 is pending on the file of the learned III Additional District Judge, Salem. While so, the sale deed executed in the year 2009 been questioned as fabricated document and complaint given on 02.02.2024, nearly 15 years after the sale deed and 9 years after the suit instituted.

3. As far as the 1st respondent is concerned, it is submitted that it is purely a civil dispute which has already been seized of by the competent Civil Court in O.S.No.598 of 2015. Hence, the complaint questioning the execution of the sale deed of the year 2009, in the year 2024 that to after pendency of the suit in which A1 is already a party to the proceedings and contesting the matter. The complaint has to be quashed by following the principal laid down by the Hon'ble Supreme Court in Neeharika Case, since it is purely civil dispute been given criminal colour.

4. The learned Government Advocate (CrI.Side) submits that the investigation in this case has almost completed and report will be filed



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based on the materials collected and if there is no material to show commission of cognizance offence and the dispute is purely civil in nature and report will be filed accordingly.

5. Recording the same, both the Criminal Original Petitions are disposed of with liberty to the petitioner herein to work out the remedy if they are aggrieved by the final report to be filed. Consequently, the connected miscellaneous petitions are closed.

19.07.2024

Vv

To

1. The Inspector of Police,
Central Crime Branch,
Salem City
2. The Inspector of Police,
CCB-II,Salem City
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Crl.OP.Nos.5395and14018 of 2024

Dr.G.JAYACHANDRAN,J.

Vv

**Crl.OP.Nos.5395 and 14018 of 2024
and
Crl.MP.Nos.3949, 8525 and 8526 of 2024**

19.07.2024