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Crl.O.P.No.10298 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:10.06.2024

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

Crl.O.P.No.10298 of 2024

and

Crl.M.P.No.7052 of 2024

1.B.Premkumar
2.Mugundhaboopathy
3.Anil Kumar

.. Petitioners

/versus/

1.The State rep
Inspector of Police,
Pallapatti Police Station,
Omalur Taluk, Salem District.

2.K.P.Balan

.. Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to the FIR No.104 of 2024 dated 30.01.2024 pending on the file of 1st respondent police and quash the same.

For Petitioners :Mr.M.Elango

For Respondents :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side) for R1
Mr.K.Maheswaran for R2

ORDER



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The petition to quash the criminal complaint alleging forgery of lease deed in respect of the property. The disputing parties are father and son.

2. According to the complaint, the defacto complainant had settled the property in favour of his daughter in the year 2006. While so, the son has forged the lease deed in respect of the property and is in possession of the same.

3. The learned counsel appearing for the petitioners submits that the complaint does not attract any ingredient required for the offence under Sections 468, 479, 419 and 420 of IPC and therefore, the complaint has to be quashed.

4. While so, when the matter in dispute is between the father and son in respect of the property and being the civil in nature, the learned counsel appearing for the second respondent/defacto complainant submits that the civil suit been filed for partition and dissolution of the



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partnership firm. This has been filed in the year 2016 and the same is pending. The complaint is primarily on the forgery of lease deed based on which the petitioners are in enjoyment of the property. Since there is a clear case of cheating of fabrication of documents, the complaint has to be investigated in accordance with law.

5. The learned Government Advocate (Crl.Side) appearing for the 1st respondent states that the complaint been registered on 30.01.2024. The complaint is by the father as against his own son and two others and after giving the complaint, there is less co-operation from the defacto complainant and therefore, unable to proceed with the investigation.

6. In view of the above, the learned counsel appearing for the defacto complainant is directed to instruct his client to co-operate with the investigation and the first respondent police shall collect the disputed document, get opinion of the documents and complete the investigation within a period of four months from today.

7. With the above observations, this Criminal Original Petition



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is disposed of. Consequently, connected Miscellaneous Petition is closed.

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Index:yes/no

Speaking order/non speaking order

Neutral Citation:yes/no

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To

1. Inspector of Police, Pallapatti Police Station,
Omalur Taluk, Salem District.

2. The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.



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