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CrI.O.P.No.13860 of 2024
& CrI.M.P.No.8436 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.13860 of 2024
& CrI.M.P.No.8436 of 2024

1. S.Jayavelu.
2. J.Rajamani.

... Petitioners/Accused

/versus/

1. State Rep. by,
The Inspector of Police,
Lawspet Police Station,
Puducherry.
(Crime No.34 of 2024).

2.T.Vaidhiyanathan.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Crime No.34 of 2024 on the file of the Inspector of Police, Lawspet Police Station, Puducherry and quash the same.

For Petitioners : Ms.R.Kalaiyarasi

For R1 : Mr.M.V.Ramachandramoorthy
Additional Public Prosecutor (Pondy)



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ORDER

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This petition is filed to quash the complaint registered in Crime No.34 of 2024 on the file of the Inspector of Police, Lawspet Police Station, Puducherry.

2. The petitioner herein, who is one of the suspect in case of forgery and criminal trespass contends that through a lawful agreement the property of the defacto complainant was taken possession. However, suppressing the fact and pendency of civil suit, the present complaint been filed and therefore, since the complaint is purely civil in nature, it has to be quashed.

3. Perusal of the record indicates that the owner of the property, who is the defacto complainant has given a complaint stating that one Rajamani had fabricated sale deed under the guise of rental agreement and based on the said unregistered fabricated sale agreement by force, through his henchman had forcibly vacated his relative, a 99 years old man, also removed all his belongings kept in the premises and taken the possession. Hence, the complaint was registered and under investigation. It is to be noted that the Hon'ble Supreme Court in *State of Haryana and Others -vs- Bhajan Lal* case as well as the



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other cases has specifically stated that there cannot be a criminal complaint or case when the dispute is civil in nature. However, there is no bar for the police to investigate the case to ascertain whether it is purely civil in nature or otherwise. When there is specific allegation of forgery of documents that too an unregistered document, there cannot be any impediment for the police to investigate the case just because a suit is filed by the accused persons. The power of investigating agency cannot be taken away particularly in case of this nature when there is serious allegation of forgery and criminal trespass been made out. Under the garb of filing a suit, the perpetrator of crime cannot get rid off a lawful investigation.

4. Therefore, this Court finds no merit in this petition to interfere the investigation and hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

14.06.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

1. The Inspector of Police, Lawspet Police Station, Puducherry.
2. The Public Prosecutor, High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN, J.

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