



CrI.O.P.No.17520 of 2023 & CrI.M.P.No.11456 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 24.06.2024

Pronounced on: 28.06.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.17520 of 2023
& CrI.M.P.No.11456 of 2023

1.Mrs.Rathnamala Jaishankar.

2. D.Jaishankar.

... Petitioners

/versus/

1. The State represented by
The Inspector of Police,
Central Crime Branch,
Team 24, Office of the Commissioner of Police,
Greater Chennai,
Vepary, Chennai – 600 007.
(Crime No.43 of 2023)

2. Mr.T.M.Rishinder Babu. Respondents/Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C.,
to call for the records and quash the FIR No.43 of 2023 on the file of the
respondent, The Inspector of Police, Central Crime Branch, Team-24, at the
Office of the Commissioner of Police, Greater Chennai, Vepery, Chennai – 600
007.

For Petitioners : Mr.G.K.R.Pandian

For R1 : Mr.S.Udaya Kumar

For R2 : Mr.D.Selvam



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ORDER

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This petition is filed to quash the F.I.R registered in Crime No.43 of 2023 on the file of 1st respondent herein.

2. The sum and substance canvassed in this petition to quash is as below:

The complaint registered under Section 419, 465, 467, 468 and 471 r/w Section 34 of I.P.C is *per se* a civil dispute which has been given a criminal colour to harass the petitioners. The complaint been given suppressing material facts particularly the earlier complaint given which was long back for the same civil transaction has been closed, advising the party to approach the Civil Court. Further, in the anticipatory bail petition filed by the petitioners, the High Court has observed that this complaint apparently a civil dispute which has been converted into a criminal dispute. While so, there is no purpose in keeping the complaint pending for investigation more particularly, when the suit for declaration in respect of the document is pending on the file of Additional District Munsif Court, Alandur, in O.S.No.444 of 2019.



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3. The Learned Counsel appearing for the petitioners further submitted that the sum and substance of the complaint is about forgery of a power of Attorney deed alleged to have been executed by one P.S.Sriramulu followed by a rectification deed executed by P.S.Sriramulu on 12.11.1999. Since the very same dispute is the subject matter of O.S.No.444 of 2019 pending on the file of Additional District Munsif, Alandur, the complaint registered in F.I.R.No.43 of 2023 on 17.02.2023 bound to be quashed following the dictum laid by the Hon'ble Supreme Court in ***State Of Haryana and Ors -vs- Bhajan Lal and Ors*** reported in ***AIR 1992 SC 604*** and ***M/s.Neeharika Infrastructure Pvt. Ltd -vs- State of Maharashtra and others*** reported in ***2021 SCC Online SC 315***.

4. The Learned Counsel appearing for the 2nd respondent/complainant submits that it is not a case of civil nature, since, a specific allegation been made regarding forgery and impersonation. By impersonation, the document in the name of P.S.Sriramulu been fabricated and got registered in connivance with Sub-Registrar. The civil suit pending to decree those documents as void will not be sufficient and will not punish the perpetrator of the crime which attracts offences under Section 419, 465, 467,



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468 and 471 r/w Section 34 of I.P.C.

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5. The Learned Government Advocate (CrI.Side) appearing for the 1st respondent submitted that the investigation so far conducted and opinion obtained from scientific experts reveal that the thumb impression of P.S.Sriramulu been forged in certain documents which are relied by the petitioners herein and further, the investigation is required to find out whether the alleged forged documents been used for transferring a property to advantage the petitioners' herein.

6. In response to this submission, the Learned Counsel for the petitioners submitted that the rectification deed dated 12.11.1999 executed by Thiru.P.S.Sriramulu in favour of Tmt.Sivagami could clearly establish that whatever suspicion and allegation made against these petitioners are factually wrong and there is no allegation or material to show that the said document (i.e.,) rectification deed is a forged document and not executed by P.S.Sriramulu.



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7. This Court, after hearing the Learned Counsels and on perusing

the record is of a firm opinion that the suit pending for declaration regarding the genuineness of title deed will not take away the power of the police to investigate about the allegation of forgery, impersonation and cheating. At the same time, if that allegations are malicious and not supported by evidence, there cannot be any criminal prosecution. In this case, the investigation is not yet completed, therefore, whether it is a dispute purely of civil nature given criminal colour or ingredient of forgery, impersonation and cheating are made out can be decided only after the completion of investigation. Hence, the petition to quash is dismissed with liberty to the petitioners herein to agitate their right, if any, after filing of final report.

8. With this observation, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

28.06.2024

Index :Yes/No.

Internet :Yes/No.

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DR.G.JAYACHANDRAN,J.

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Copy To:-

1. The Inspector of Police,
Central Crime Branch,
Team 24, Office of the Commissioner of Police,
Greater Chennai, Vepary, Chennai – 600 007.
2. The Public Prosecutor, High Court, Madras.

Pre-delivery order made in
Crl.O.P.No.17520 of 2023
& Crl.M.P.No.11456 of 2023

28.06.2024