



WEB COPY



CrI.OP.No.22467 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 12.09.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

CrI.OP.No.22467 of 2024

and

CrI.MP.No.12804 of 2024

1. K.Sarojini
2. A.Prema
3. R.Sulochana
4. M.Vidhya @ G.M.Sreevidya
5. G.M.Haritha

.. Petitioners

Vs.

1. State by Inspector of Police,  
Central Crime Branch LD-1,  
Avadi City, Avadi,  
Chennai-600 054.  
(Cr.No.76 of 2024)
2. M/s.Pungka & Co  
Represented by Director of Mr.Rajbharath  
S/o. Ashokan  
No1080/A, 12<sup>th</sup> Street,  
Poompuhar Nagar,Kolathur,  
Chennai-600 099.

.. Respondents

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS Act r/w Section 482 of Cr.P.C., to call for the records in FIR No.76 of 2024 on the file of the Inspector of Police, Avadi Central Crime Branch, LD-1, Avadi City, Avadi, Chennai-600 054, the first respondent herein and quash the same.



Crl.OP.No.22467 of 2024

For Petitioner : Mr.S.Sadasharam  
For Respondents : K.M.D.Muhilan,  
Government Advocate (Crl.Side) for R1  
: M/s.Rudra for R2

**ORDER**

This Criminal Original Petition is filed to quash the FIR in Cr.No.76 of 2024 dated 12.08.2024 registered against the petitioner for the alleged offence under Sections 465, 468, 467, 471 and 420 of IPC.

2. The learned counsel appearing for the petitioners submits that a pure civil dispute which has been agitated and settled long back is now given a criminal colour and been enquired by the respondent police without considering the fact that the petitioner have perfected the title by adverse portion also and being in possession for more than 50 years paying necessary property tax, water tax and electricity bill regularly.

3. The learned counsel for the second respondent/defacto complainant appearing through video conferencing submits that the case of double documentation, fabricated by the petitioner herein to grab the property and when the matter came to the knowledge of the defacto complainant, complaint was lodged before registering the FIR, summons



**CrI.OP.No.22467 of 2024**

were issued to the parties and only on prima facie satisfaction, the respondent has registered the case for investigation and it is not a case for pure civil transaction as alleged, but it has every element of criminal act of fabrication of document and cheating.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police submits that the case has been registered after making preliminary enquiry and being satisfied that there is necessity to investigate the alleged act of crime. Since A1 is still absconding, investigation could not be proceeded effectively.

5. The learned Government Advocate further submits that the petitioner herein though contend that it is a pure civil dispute and no double documentation as alleged, the rival contention has to be tested only through proper investigation.

6. The material placed before this Court indicates that it is a fit case for investigation and cannot be quashed at this stage presuming that it is a pure civil dispute just because suit been filed on 10.07.2024 and pending in O.S.Nos,371, 372 and 373 of 2024 respectively on the file of II



**CrI.OP.No.22467 of 2024**

**Additional Court, Poonamalle.**

**WEB COPY**

7. The petitioners are at liberty to participate in the investigation and place all the documents before the Investigating Officer to substantiate their case. At the same time, the respondent police shall probe the matter in accordance with law and file report based on the outcome of the investigation.

8. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

**12.09.2024**

Vv

To

1. The Inspector of Police,  
Central Crime Branch LD-1,  
Avadi City, Avadi,  
Chennai-600 054.

2. The Public Prosecutor,  
High Court of Madras.

**Dr.G.JAYACHANDRAN,J.**



WEB COPY



**CrI.OP.No.22467 of 2024**

Vv

CrI.OP.No.22467 of 2024

12.09.2024