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CrI.O.P.No.24993 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No. 24993 of 2024

and

CrI.M.P.No.14022 of 2024

1. V.Kanagaraj Kumar

2. K.Kavitha

... Petitioners

Vs.

1. The State of Tamil Nadu

Represented by The Inspector of Police,
CCB-I, Chennai – 600 008.

2. Mr.W.P.Padmanabhan

3. Mr.W.P.Murali

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records and quash FIR No.123 of 2021 pending on the file of CCB-I, Chennai, against the petitioners.

For Petitioners : Mr.Vivekanand

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)



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ORDER

The petitioners, who were arrayed as accused Nos.5 and 6 in Crime No.123 of 2021 on the file of the respondents/Police for the offences under Sections 465, 467, 468, 471 r/w 34 and 109 IPC are before this Court to quash the complaint on the ground that they are *bona fide* purchasers from Ponnurangam and Prasanthi, who had alleged to have created bogus documents and title deeds for the property and cheated the *de-facto* complainant claiming that the petitioners are the victims of the crime and submitted that the case against them has to be quashed.

2. The learned Government Advocate (CrI.Side) appearing for the first respondent/Police submits that investigation in this case is under way, the *bona fide* of the petitioners is to be investigated. Since based on the forged documents the property being alienated to these petitioners whether they are privy to the crime being thoroughly investigated, based on the out come of the investigation the Police would file a final report.

3. On the face of the records, the property which is now purchased by these two petitioners had not sold by genuine owners. Therefore, the



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involvement of the petitioners in the crime to attract Sections 34 or 109

WEB COPY IPC is the matter of pending investigation. Only on completion of investigation the first respondent/Police will be in position to verify as to whether the petitioners are arrayed as accused or witnesses.

4. It is pre-matured for this Court to hold that the petitioners are innocent purchasers. Therefore, without prejudice to the right of the petitioners herein, this Criminal Original Petition is disposed of directing the first respondent/Police to examine the documents and materials placed by the petitioners herein to ascertain as to whether they are privy to the crime and then file a final report. Consequently, connected miscellaneous petition is closed.

21.10.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Inspector of Police,
CCB-I,
Chennai – 600 008.
2. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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