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Crl.O.P.No.28559 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.01.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.28559 of 2022
and
Crl.M.P.Nos.17528 of 2022

Yasin Bai

... Petitioner

Versus

1.The State Rep. by
Inspector of Police,
Central Crime Branch-II,
Chennai.
Crime No.77 of 2018

2.P.S.Manjula

... Respondents

Criminal Original Petition filed Under Section 482 of the Code of Criminal Procedure, praying to call for the entire records and quash the FIR registered in Crime No.77 of 2018 against the petitioner pending on the file of the 1st respondent.

For Petitioner : M/s.S.P.Meenakshi Sundharam
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner has filed this petition to quash the Crime No.77 of 2018 pending on the file of the 1st respondent.



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2. The case of the prosecution is that the 2nd respondent husband namely Ajith Kumar menon has purchased the property bearing Plot No.254, situated at Prakasam Nagar, Thiruninravur village, Avadi taluk, Thiruvallur District comprised in Survey No.24/5, 24/6, admeasuring 2400 sq.ft by way of registered sale deed dated 29.11.2017 registered as Document No.11567/2018 on the file of SRO, Avadi. The petitioner states that it has been alleged by the 2nd respondent that the aforesaid land is belonging to one Murugaiyya and he has been impersonated by the accused persons and sale deed has been executed in favour of her husband of the 2nd respondent and subsequently the original Murugaiyya who is the real owner of the aforesaid plot has lodged a complaint and filed a suit against the husband of the 2nd respondent in O.S.No.220 of 2018, pending on the file of the District Munsif, Poonamallee for declaring the aforesaid sale deed as null and void and further based on the complaint of the aforesaid Murugaiyya the aforesaid sale deed has been cancelled. Hence, she lodged a complaint against the petitioner and other accused with the 1st respondent police and based on the same FIR has been registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence made



by the prosecution. He further submitted that the 2nd respondent alleged in the complaint one Mohan @ Jayamohan alone misled her husband and impersonated the original Murugaiyya and executed a sale deed in favour of her husband. The only allegation attributed against the petitioner is that he has introduced one Palani who is hails from MKB and land broker to her husband. Apart from that allegation has been stated by the 2nd respondent against the petitioner. The petitioner submits that he has not impersonated the said Murugaiyya. Even as per the allegation of the 2nd respondent the petitioner has informed her husband that one Murugaiyya is the owner of the aforesaid land. Admittedly, the petitioner has not participated in the sale transaction. He further submitted that the FIR has been registered in the year of 2018 as of now no charge sheet has been filed and no investigation has been done by the 1st respondent. Hence, he prays to quash the proceedings against the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that the petitioner and other accused persons have impersonate, fabricated document and executed the sale deed, thereby the original owner sustained loss and also cheated. Based on the complaint lodged by the defacto complainant, FIR has been registered against the



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petitioner in Crime No.77 of 2018 on the file of the 1st respondent, for the offence under Sections 419, 465, 467, 468, 420 and 120B. He further submitted that he is also a land broker along with other accused played an active role, which needs a detailed investigation. Hence, he vehemently opposed to quash the FIR.

5. Considering the submissions made by the learned Government Advocate (Crl.Side) and on seeing the allegation made by the defacto complainant there is some prima facie material required by the prosecution. Hence, this Court declines to quash the proceedings in Crime No.77 of 2018 on the file of the 1st respondent.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

12.01.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No

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To

- 1.The Inspector of Police,
Central Crime Branch-II,
Chennai.
Crime No.77 of 2018
- 2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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