



CrI.O.P.(MD)No.1228 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.1228 of 2022

and

CrI.M.P.(MD)No.898 of 2022

1.Thangam

2.R.Nirmala Devi

3.Anandhi

4.Sridhar

5.Gurumoorthy

... Petitioners

Vs.

1.The Inspector of Police,
District Crime Branch,
Trichy District.
(Crime No.16 of 2021)

2.Banumathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of impugned FIR in Crime No.16 of 2021 on the file of the first respondent and quash the same as illegal insofar as the petitioners are concerned.



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For Petitioners : Mr.V.Meenakshi Sundaram,
for M/S.Velpradeep J.

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor.

For R2 : No Appearance

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.16 of 2021 on the file of the first respondent.

2.The case of the prosecution is that second respondent's husband is the owner of the land to an extent of 1.44 acres in S.No.246/2D, Patta No.365 situated in Navalpattu village, Thiruverumpur Taluk, Trichy District and her husband inherited the said property from his father. After the death of the second respondent's husband, she verified the encumbrance certificate and she came to know that the property was sold by the petitioners 1 to 3 to the fourth petitioner. The second respondent's husband name and the first petitioner's husband name are one and the same. By taking advantage of the same, they sold the



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property in favour of the fourth petitioner. The second and third petitioners are daughters of the first petitioner and they have also jointly executed sale deed.

3.The learned counsel appearing for the petitioners would submit that the first petitioner's husband, namely, Paramasivam Kadoorar S/o. Marimuthu @ Arumugam Kadoorar had patta in his favour in patta No. 365 for S.No.2646/2D of Navalpattu village. He died intestate leaving behind the petitioners 1 to 3 as legal heirs and therefore, they have right over the property by inheritance. The sale deed executed by them in favour of the fourth petitioner is legally valid one. He would further submit that the petitioners 1 to 3, while selling the property, were in full possession and enjoyment of the same. Accordingly, he prayed to quash the impugned first information report.

4.The learned Additional Public Prosecutor appearing for the first respondent would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.



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5.On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped in the petitioners, it is needless to state that action against them should be dropped. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*. The first respondent police is directed to bear in mind the tendency of such complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not subjected to humiliation.

6.In the result, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

31.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
District Crime Branch,
Trichy District.

- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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