



CrI.O.P.(MD)No.1031 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.1031 of 2022

and

CrI.M.P.(MD)No.733 of 2022

1.N.Selvakumar

2.Premkumar

... Petitioners

Vs.

1.The State Tamil Nadu Rep by
The Inspector of Police,
District Crime Branch,
Dindigul District.
Crime No.2 of 2020

2.M.Kandharaman

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.2 of 2020 dated 13.02.2020 on the file of the first respondent as against the petitioners.

For Petitioners : Mr.K.R.Manimaran



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CrI.O.P.(MD)No.1031 of 2022

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

For R2 : Mr.C.Susikumar

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.2 of 2020 dated 13.02.2020 on the file of the first respondent as against the petitioners.

2.The case of the prosecution is that the second respondent is the Cluster Manager of Equitas Bank, Dindigul. A1 in this case approached the Pazhani branch of the second respondent's bank and sought for mortgage loan. A1 stated that he is the owner of the properties in plots Nos.64, 65 & 66 situated in S.No.61/1, Balasamuthram Village, Palani Taluk, Dindigul District and he had also submitted relevant documents for getting mortgage loan. The loan application was accepted by the bank. Thereafter, the petitioners herein valued the property and submitted their report. A1 was quit default in his monthly payment and after verification by the higher authorities, they found that the documents



CrI.O.P.(MD)No.1031 of 2022

submitted by A1, in respect of his title, are forged and fabricated. Hence, the second respondent preferred a complaint and FIR was registered in Cr.No.2 of 2020 for the offence under Sections 120B, 406 & 420 IPC. Challenging the same, the present petition came to be filed.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence and their role is only to ascertain the value of the property. He would further submit that the petitioners have not any role in respect of the genuineness of the documents and tracing of title of loan applicant. Therefore, he would pray to quash the impugned FIR.

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.



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. At this juncture, the learned counsel appearing for the petitioners would submit that this Court may direct the first respondent to complete the investigation within a stipulated period.

7. In view of the fair request made by the learned counsel appearing for the petitioners, this Court directs the first respondent to



CrI.O.P.(MD)No.1031 of 2022

complete the investigation in Cr.No.2 of 2022, within a period of four weeks from the date of receipt of a copy of this order. The petitioners are at liberty to canvass all the grounds, which are all raised in the present petition, before the first respondent to decide the case. If there is no criminality made out as against the petitioners, the first respondent police may delete the names of the petitioner, at the time of filing charge sheet.

8.In the result, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

22.01.2024

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

- 1.The Inspector of Police,
District Crime Branch,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.1031 of 2022

M.DHANDAPANI,J.

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CrI.O.P.(MD)No.1031 of 2022

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