



CRL OP(MD)No.3266 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.01.2024

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THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL OP(MD)No.3266 of 2021
and
Crl.M.P(MD)No.1793 of 2021

1.Radha

2.Ashok Kumar

... Petitioners

Vs

1.The State through
Inspector of Police,
District Crime Branch,
Trichy District.
(Crime No.13 of 2020)

2.Kumar

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the impugned FIR in Crime No.13 of 2020 dated 09.12.2020, on the file of the first respondent police and to quash the same as illegal.

For Petitioners : Mr.S.Vikram



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For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R2 : Mr.M.Chellapandian

ORDER

This Criminal Original Petition is filed by the petitioners to quash the FIR in Crime No.13 of 2020 of District Crime Branch Police Station, Trichy District, registered against the petitioners (A2 and A3) for the alleged offences punishable under Sections 420, 423, 465, 468, 471, 506(i) r/w 34 IPC.

2. The case of the prosecution is that the first petitioner (A2) with an intention to cheat the original land owner / defacto complainant had created fabricated documents as if she purchased the land in Survey Number 129/2 of Theneerpatti Village from one Periyasamy (A1), S/o.Chinna Nayakkar, eventhough she knew that the said land absolutely belonged to the defacto complainant. According to the prosecution, when this was questioned by the defacto complainant, all the accused threatened him with dire consequences. Therefore, the defacto



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complainant lodged a complaint with the Inspector of Police, District Crime Branch and the same was registered as FIR in Crime No.13 of 2020 for the aforesaid offences.

3. Mr.S.Vikram, learned counsel appearing for the petitioners would contend that A2 actually purchased the property from A1 and that A1 informed her that she owns 10 cents of land in Survey No.129/2 of Theneerpatti Village. His further contention that A2 is a bona fide purchaser for value and therefore, the FIR registered against the petitioners, by the Police is totally wrong. He also contended that the Hon'ble Supreme Court had time and again held that the police should not take cognizance of civil dispute between the parties. He therefore prayed for quashing the FIR in Crime No.13 of 2020.

4. Per contra, the learned Government Advocate(Crl.side) would contend that the first petitioner is a habitual offender and that two more cases are registered against her in Crime No.5 of 2019, City Crime Branch-II, Trichy and Crime No.1 of 2021, Anti land Grabbing Cell, Trichy for similar offences. His further contention is that A-1 is actually



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entitled to 30 cents of land in Survey No.129/2 of Theneerpatti Village and that A2 being a document writer, came to know of the fact that in Patta No.385, 40 cents of land are wrongly indicated, took advantage of the same and got the sale deed executed in her name. He further contended that the investigation is almost completed and the charge sheet would be filed before the concerned Judicial Magistrate. He therefore prayed for dismissal of the petition.

5. Normally, the police should not interfere in a civil dispute between the parties, but the facts of the present case are totally different because the first petitioner (A2) is not only a buyer but also a document writer. The specific allegation of the prosecution is that she had verified the patta bearing No.385 in which 40 cents of land was mentioned wrongly instead of 30 cents. A1 is actually owning only 30 cents of land in Survey No.129/2 and the first petitioner being a document writer after verifying the patta had got the sale deed executed in her name for the remaining 10 cents of land. This 10 cents of land actually belonged to the defacto complainant. When the defacto complainant had confronted the accused, he was abused in filthy language and was also threatened



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him with dire consequences. It is settled law that the power of quashing of criminal proceedings should be exercised very sparingly and with circumspection and quashing of the complaint/FIR should be an exception and rather than an ordinary rule. The facts of the present case disclose certain cognizable offences and the police had also almost completed the investigation.

6. In the circumstances, I do not see any reason to quash the FIR on the ground raised by the petitioners. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

04.01.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
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R.HEMALATHA,J.

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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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