



Crl.O.P.(MD)No.3068 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.3068 of 2024

and

Crl.M.P.(MD)No.2455 of 2024

S.Balamurugan

... Petitioner/A11

Vs.

1.The State Rep. by
The Inspector of Police,
District Crime Branch,
Dindigul District.
Crime No.1 of 2024

2.M.Thangarajan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceeding of First Information Report in Crime No.1 of 2024 on the file of the first respondent police and quash the same as illegal as against the petitioner/Accused No.11.

For Petitioner : Mr.V.Pandiyan

For R-1 : Mr.M.Sakthikumar
Government Advocate (Crl. Side)

For R-2 : Mr.S.Ram Sundar Vijay



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ORDER

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The petitioner, an accused in Crime No.1 of 2024, has filed this application to quash the FIR pending against him.

2.The petitioner is arrayed as A11 in this case. The case of the prosecution is that there was a property dispute between the first accused's father, Mariya Lousis and one Sathappan. The said Mariya Lousis filed O.S.No.1020 of 1992 before the Additional Sub Court, Dindigul and got a decree in his favour. Against which, the said Sathappan filed A.S.No.227 of 1994 before the District Court, Dindigul and got a decree in his favour. Against which, the said Mariya Lousis filed Second Appeal before this Court in S.A(MD)No.216 of 2010 and the same was allowed on 02.12.2016. It is the further case of the prosecution that the legal heirs of the said Sathappan, without disclosing the appeal pending before this Court, sold the disputed property to the second respondent/defacto complainant. Hence, the case.

3.The learned counsel for the petitioners submits that the petitioner is working as Sub Registrar at Iyyampalayam Registration Office and he has verified all the documents and thereafter only, he registered the said



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sale deed. He further submits that though the main allegation has been raised as against the vendor of the property, namely, the first accused, the petitioner/A11 has unnecessarily been roped as an accused in this case and he has not created any documents as alleged by the prosecution. Therefore, he prays to quash the FIR.

4.The grounds raised by this petitioner can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

5.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.



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6. Therefore, this petition is disposed of with a direction to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and shall conclude the investigation within a period of six months either by filing final report or with a closure report. Consequently, connected miscellaneous petition is closed.

03.04.2024

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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B.PUGALENDHI, J.

sjl

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