



CrI.O.P.(MD)No.3774 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE AA.NAKKIRAN

CrI.O.P.(MD)No.3774 of 2021 and
CrI.M.P(MD).No.2109 of 2021

1.Edwin Jose

2.H.Virginia Little Flower

... Petitioners

Vs.

1. The Inspector of Police,
Central Crime Branch,
Madurai City.

2.J.Masthan Badsha

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C, to call for the records relating to the FIR in Crime No.57 of 2019 on the file of the Inspector of Police, Central Crime Branch, Madurai City and quash the same.



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For Petitioners	: Mr. A.R. Azagarsami
For 1 st respondent	: Mr. R.M.Anbunithi
	Additional Public Prosecutor
For 2 nd respondent	: Mr.M.Jeyakumar

ORDER

This criminal original petition has been filed to call for the records relating to the FIR in Crime No.57 of 2019 on the file of the 1st respondent Police and quash the same.

2. The case of the prosecution is that the petitioners herein and the 2nd respondent are family friends and the 2nd respondent has obtained power of attorney from one Banumathi in respect of S.Nos.45/6C and 45/7 and thereafter, the second respondent has executed a sale deeds in favour favour of his wife viz., Dowlath Nisha and 2nd petitioner. Now, the 2nd respondent is trying to put up construction in the petitioners' property. When the same was questioned by the petitioners, the 2nd respondent has given a false complaint as against the petitioners and hence, a case was registered in crime No.57 of 2019 on the file of the first respondent Police for the offences punishable under Sections 420,



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294(b) and 506(i) IPC. In such circumstances, the petitioners herein have filed the present Criminal Original Petition seeking to quash the FIR in Crime No.57 of 2019 pending on the file of the 1st respondent Police.

3. The learned counsel appearing for the petitioners submitted that with regard to the same issue, the 2nd respondent has already given a complaint and the same was closed after enquiry. Thereafter, suppressing the said fact the 2nd respondent has given a complaint before the Judicial Magistrate No.I, Madurai. Based on which, the present complaint was registered against the petitioners. He would further submit that it is a case of civil dispute and the suit in O.S.No.206 of 2019 filed by the petitioners is pending before the District Court, Madurai and in the said suit the second respondent having entered appearance and filed his counter admitting the case of the petitioners. He would further submit that in order to giving a criminal colour to the civil dispute, the 2nd respondent has given a false complaint against the petitioners and the 1st respondent Police is not having any jurisdiction to enquire the civil transaction dispute and prays for allowing this petition.



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4. The learned Additional Public Prosecutor appearing for the 1st respondent Police would submit that it is a case of purely civil dispute and the investigation of the case is pending.

5. The learned counsel appearing for the 2nd respondent admitted the fact that it is a case of civil dispute and regarding this issue civil suit is pending before the trial Court.

6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7. On perusal of the records it is seen that there was a civil dispute pending between the parties and regarding the said issue civil suit is also pending before the trial Court and the same is fairly admitted by the learned counsel appearing for the 2nd respondent. In such circumstances, I am of the considered view that it is purely civil in nature and that the First Information Report in Crime No.57 of 2019 pending on the file of the 1st respondent is liable to be quashed and accordingly, the same is quashed as against the petitioners.



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8. In fine, this Criminal Original petition is allowed. Consequently,
the connected Miscellaneous Petition is closed.

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Index: Yes/No

Internet: Yes/No

trp

To

1. The Inspector of Police,
Central Crime Branch,
Madurai City.

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



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trp

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