



Crl.O.P.(MD) No.4448 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4448 of 2024

and

CRL.M.P.(MD).No.3497 of 2024

1.Sethunathan
2.Aishwarya
3.Gandhi
4.Tamil Selvan

...Petitioners/Accused 1,2,4 & 5

Vs

1.The Inspector of Police,
District Crime Branch,
Sivagangai District.
(Crime No.2 of 2024)

2.Kailainathan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records of the impugned FIR in Crime No.2 of 2024 dated 16.02.2024, on the file of the respondent police and to quash the same as illegal and for consequential orders.

For Petitioners : Mr.V.R.Shanmuganathan

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

For R2 : Mr.P.T.Ramesh Raja



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ORDER

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The accused in Crime No.2 of 2024 has filed this application to quash the FIR pending against them.

2.The case of the prosecution is that A-1 has created forged documents and executed a settlement deed in favour of the A-2.

3.The case of the petitioners are that the first petitioner and the de-facto complainant are brothers. The disputed property is divided among three brothers. The allegation against the petitioner is that he has impersonated. There are already four civil suits pending between the parties and a suit for partition is also pending for the very same property. Without considering the same, a case has been mechanically registered against the petitioners based on the complaint of the defacto complainant.

4.The learned Government Advocate (Criminal Side) submits that the case was registered only on 16.02.2024 and it is a matter for investigation.



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5.This court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by these petitioners 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 petitioners herein can very well be appreciated by the investigating officer during the course of investigation.

7.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.

8.Therefore, this petition is dismissed with liberty to the investigating officer to conduct the investigation by considering the points raised in this



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application, during the course of investigation and shall conclude the investigation as expeditiously as possible either by filing final report or with a closure report.

9. Consequently, the connected miscellaneous petition is closed.

18.04.2024

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

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To

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



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B.PUGALENDHI, J.

jbr

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