



Crl.O.P. (MD)No.4974 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P. (MD)No.4974 of 2024

and

Crl.M.P. (MD)No.3894 of 2024

M.Amarnath

... Petitioner

versus

1. The Inspector of Police,
District Crime Branch - II,
Theni District.

2. Jeyalakshmi

... Respondents

Petition filed under Section 482 Cr.P.C. seeking to call for the records in connection with Crime No.3 of 2024 registered pending on the file of the 1st respondent Police and quash the same insofar as this petitioner/accused No.4 is concerned.

For Petitioner : Mr.C.Ezhilarasu

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



Crl.O.P. (MD) No.4974 of 2024

ORDER

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The petitioner, who is arrayed as accused No.4 in connection with the case in Crime No.3 of 2024 for the offences under Sections 417, 420, 120(b), 465, 468 and 471 IPC, has filed this petition, to quash the FIR, pending as against him.

2. The case of the prosecution is that in respect of the property of the defacto complainant's father, the accused persons created a forged legal heir certificate and executed a settlement deed in favour of A1's wife. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is only the attested witness, but, due to previous enmity, this case has been foisted against the petitioner. The respondent Police, without conducting any preliminary enquiry, has registered the case as against the petitioner. He further submits that the alleged



Crl.O.P. (MD) No.4974 of 2024

occurrence is said to have taken place on 29.08.2023, but, the FIR was registered on 31.01.2024 and there is a delay of five months in registering the complaint. Therefore, he prays for quashing 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.

5. The motto of the Government in its emblem is Truth Alone Triumphs. 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



Crl.O.P. (MD)No.4974 of 2024

Triumphs.

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6. Therefore, this petition is closed with liberty to the Investigating Officer to conduct an investigation by considering the points raised by the petitioner in this petition, 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.

18.04.2024

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

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To

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

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Cr1.O.P. (MD) No.4974 of 2024

B. PUGALENDHI, J.

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Cr1.O.P. (MD) No.4974 of 2024

18.04.2024