



Crl.O.P.(MD) No.5271 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5271 of 2024

and

CRL.M.P (MD) No.4129 of 2024

1. Ponnudurai,

2. Selvasanthi,

... Petitioners

Vs

1.State represented by
The Inspector of Police,
District Crime Branch
Tenkasi, Tenkasi District.
Cr.No.16/2022.

2. Velsamy Pandian,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.16/2022 on the file of the 1st respondent police and to quash the same.

For Petitioners : Mr.R.J.Karthick

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



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ORDER

The accused in Crime No.16 of 2022 has filed this application to quash the FIR pending against them.

2.The case of the prosecution is that the first accused has agreed to give a share of a property in favour of the defacto complainant. On that belief, the defacto complainant has paid a sum of Rs.22,61,000/- to the first accused from the year 2005 to 2014 through bank transaction and he is having all documents to that effect. The first accused instead of giving his property as assured, settled the property in favour of his wife/A2 and therefore, a complaint has been lodged.

3.The learned Counsel for the petitioner submits that the dispute between the parties is purely civil in nature and the second petitioner has already filed a civil suit for partition in O.S.No.320 of 2022, on the file of the Principal Sub Court, Sankarankoil. The averments in the FIR will not



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attract the offence under Section 420 IPC.

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4.The learned Additional Public Prosecutor submits that the case was registered on 22.12.2022 and the investigation is in progress. Therefore, he vehemently objects to quash the FIR.

5.This court considered the rival submissions made.

6.The case is pending at the stage of investigation. The grounds raised by the 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 the petitioners herein can very well be appreciated by the investigating officer during the course of investigation and find out whether the petitioners had received any amount from the defacto complainant.



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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 closed with liberty to the investigating officer to conduct an 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.

9.Consequently, the connected miscellaneous petition is closed.

05.04.2024

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



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To

1. The Inspector of Police,
District Crime Branch
Tenkasi, Tenkasi District.

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



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B.PUGALENDHI, J.

LR

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