



Crl.O.P.(MD)Nos.15106 & 14196 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)Nos.15106 & 14196 of 2022

and

Crl.M.P.(MD)Nos.9870 & 9130 of 2022

Crl.O.P.(MD)No.15106 of 2022

Raja Mohamed

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
B6 Jehindpuram, Madurai City
Madurai District.

2.M.Mohamed Yusuf

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR in Crime No.84 of 2022 on the file of the first respondent Police Station and quash the same against the petitioner.

For Petitioner : Mr.M.M.Iqbal

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor.

For R2 : No Appearance



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1.Noor Jahan

2.Sarammal

3.Jameela Beevi

4.Abdul Salam

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
B6 Jehindpuram, Madurai City
Madurai District.

2.M.Mohamed Yusuf

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR in Crime No.84 of 2022 on the file of the first respondent Police Station and quash the same against the petitioners.

For Petitioners : Mr.M.Vivek Kumar

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor.

For R2 : No Appearance



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COMMON ORDER

These Criminal Original Petitions have been filed to quash FIR in Crime No.84 of 2022 on the file of the first respondent Police Station.

2.The case of the prosecution is that two predeceased son and one daughter of Peer Mohammed have not been included in the legal heir certificate and cheated the defacto complainant. Therefore, the defacto complainant filed a complaint before the first respondent, based on which, a case in Cr.No.84 of 2022 has been registered for the offences under Sections 120(B), 406, 420 IPC. Challenging the same, the present petition has been filed.

3.The learned counsels appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and there is no materials available to prove the prosecution case. Accordingly, he prayed to quash the impugned proceedings.



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4.The learned Additional Public Prosecutor appearing for the first respondent submitted that the case is only at FIR stage and the grounds raised in the present petition are all matter for investigation and the same cannot be agitated before this Court under Section 482 Cr.P.C. Accordingly, he prayed to dismiss the present petition.

5.On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped in the petitioners, it is needless to state that action against them should be dropped. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*.

6.At this juncture, the learned counsels appearing for the petitioners requested that liberty may be granted to the petitioners to produce relevant documents before the Investigating Officer, in order to disprove the prosecution case.



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7.In view of the above, the petitioners are permitted to produce all relevant documents before the first respondent Police to disprove the case. The first respondent Police shall conduct the investigation and complete the same within a period of twelve weeks from the date of receipt of a copy of this order, by providing necessary opportunity to both parties.

8.In the result, these criminal original petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

26.03.2024

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

1.The Inspector of Police,
B6 Jehindpuram, Madurai City
Madurai District.

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



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M.DHANDAPANI,J.

gns

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