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Crl.O.P.(MD) No.9878 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.9878 of 2024

and

CRL.M.P (MD) No.6732 of 2024

1. Muthusudhagar @ Muthusudhakar

2. Sermakani @ Chermakani

... Petitioners

Vs

1. The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.411/2023)..

2. Ramasamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the FIR in Crime No.411/2023 dated 15/12/2023 on the file of the Alangulam Police Station, Tenkasi District and Quash the same in so far as the petitioner is concern.

For Petitioners : Mr.D.S.Haroon Rasheed,

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



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ORDER

The accused in Crime No.411 of 2023 have filed this application to quash the FIR pending against them.

2.The case of the prosecution is that the defacto complainant has borrowed a sum of Rs.2,50,000/- from the first accused, for which, the first accused has insisted the defacto complainant to execute a sale deed for a property measuring to an extent of 1 acre 75 cents in favour of him and he will return the same when the amount is repaid. Believing the same, the defacto complainant has executed a sale deed in favour of the first accused and after sometime, he has paid a sum of Rs.3,00,000/- to the accused. However, they have not returned the property. Hence the case.

3.The learned Counsel for the petitioners submits that the defacto complainant has already executed the sale deed in the year 2018. Since the value of the property is increased, now the defacto complainant has lodged the complaint as if it has been given to the petitioners pursuant to the loan



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transaction. He further submits that a suit in O.S.No.81 of 2023 has also been filed by the petitioners, before the court concerned as against the defacto complainant. Hence, he prayed to quash the FIR.

4.The learned Government Advocate (Criminal Side) submits that it is a matter for investigation.

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.



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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 the investigation by considering the points raised in this 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. The petitioners shall challenge the final report if they are having any other ground, in the manner known to law. Consequently, the connected miscellaneous petition is closed.

04.07.2024

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

LR



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To

1. The Inspector of Police,
Alangulam Police Station,
Tenkasi District.

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



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B.PUGALENDHI, J.

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