



Crl.O.P.(MD)No.11461 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.11461 of 2022

and

Crl.M.P.(MD).No.7252 of 2022

P.Balasubramanian

... Petitioner /Accused No.5

Vs.

1.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(Crime No.320 of 2017)

2.Mahendran

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the first respondent in Crime No.320 of 2017 dated 08.07.2017 on the file of the first respondent and quash the same as illegal as against the petitioner alone.

For petitioner

: Ms.M.Seeni Syed Amma
for Mr.T.Lajapathi Roy

For R-1

: Mr.S.Manikandan,
Government Advocate
(Criminal Side)



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ORDER

This petition has been filed seeking to quash the F.I.R. in Crime No.320 of 2017 on the file of the respondent Police for the offence punishable under Sections 420, 424, 427, 294(b) and 506(2) IPC against the petitioner herein.

2. The case of the prosecution is that Accused Nos.1 to 5 had executed a fraudulent deed with the help of the petitioner herein. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is working as a Sub Registrar in Kottaram Divison and his duty is to verify the documents placed before him. He would further submit that the alleged impersonate documents were created without the knowledge of the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent Police would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.



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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 *defacto* complainant has deliberately roped in the petitioner, 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***. The first respondent police is directed to bear in mind the tendency of such complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not subjected to humiliation.

6. Accordingly, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, the petitioners are at liberty to canvass all the grounds, which are all raised in the present petition, before the first respondent Police at the time of investigation.

27.02.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

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



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M.DHANDAPANI. J.

TSG

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