



Crl.O.P.(MD)No.12384 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.12384 of 2021

and

Crl.M.P.(MD)No.6331 of 2021

1.Abdulkadhar

2.Mohamed Vajahathali

... Petitioners/A1 and A3

vs.

1.The State Rep. by

The Inspector of Police,

District Crime Branch,

Tirunelveli, Tirunelveli District.

... Respondent/Complainant

2.Balamurugan

... Respondent/Defacto Complainant

Prayer:- Petition filed under Section 482 of Cr.P.C., to call for the records in connection with Crime No.12 of 2021, dated 21.06.2021 on the file of the first respondent police and quash the FIR with respect to the petitioners' concerned.

For Petitioners : Mr.S.Poornachandran

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor for R1

Mr.M.Sengu Vijay for R2
For Intervenor : Mr.C.Mayil Vahana Rajendran



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ORDER

The petition is filed to quash the FIR in Crime No.12 of 2021, dated 21.06.2021 on the file of the first respondent police.

2.The contention of the learned counsel for the petitioners is that the petitioners' grandfather originally purchased the property by a registered sale deed dated 11.01.1960 pursuant to which, the further transactions are done. There is absolutely no forgery or any offence which is committed by the petitioners. The defacto complainant knowing fully well that he does not have any right, title or interest over the property as a matter of fact, had entered into a relinquishment deed with reference to some of the co-owners of the petitioners by a registered deed dated 05.08.2021 by itself, which is clear that the defacto complainant himself admits that he does not have title over the property.

3.Be that as it may, it is the contention of the learned Additional Public Prosecutor that during the course of the investigation, they have found out that while registering the document bearing No.373 of 2019, instead of one Habhiba, the first petitioner's mother, one Ameena Beevi



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impersonated and executed the document. The Additional Public Prosecutor would also submit that the survey number to which the petitioner claims title is totally different from the survey number which is a subject matter of the case.

4. When there is a *prima facie* allegation of impersonation, this Court cannot go into the title or otherwise of the petitioners or the defacto complainant and quash the case. It is for the petitioners to go before the investigating authority and place all the documents and it is for the investigating officer to consider the same and file a final report with reference to the offenses which are made out after investigation. I do not see that the single ground with reference to the question of title alone would be relevant to quash the First Information Report. Therefore leaving open all the contents of the petitioner to be raised before the investigating authority, the prayer to quash the FIR cannot be countenanced and accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : No
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D.BHARATHA CHAKRAVARTHY, J.

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To

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

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