



Crl.O.P.(MD) No.9778 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.9778 of 2024

and

CRL.M.P (MD) No.6674 of 2024

P.Balakrishnan

... Petitioner

Vs

**1. The Inspector of Police,
S.S.Colony Police Station,
Madurai City,
Crime No.1356/2023.**

2. Vengatraman

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records pertaining to the case in Crime No. 1356/2023 pending on the file of the Inspector of Police, SS Colony Police Station, Madurai City and quash the same as against the petitioner.

For Petitioner : Mr.R. Anand

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



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ORDER

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The accused in Crime No.1356 of 2023 has filed this application to quash the FIR pending against him.

2.The case of the prosecution is that the accused have created forged power of attorney regarding the defacto complainant's property and sold the same to the petitioner. On questioning the same, they have threatened the defacto complainant with dire consequences. Hence the complaint.

3.The learned Counsel appearing for the petitioner submits that the petitioner is the *bonafide* purchaser and he is not having any knowledge about the alleged forged power of attorney created by the second accused. It is a matter for investigation whether the second accused has sold the property by creating the forged document or not. The petitioner has also shown his *bonafideness* by depositing a sum of Rs.35,00,000/- as sale consideration to the credit of Crime No.1356 of 2023 before the trial Court. He further submits the petitioner has no role in the commission of offence. Hence, he prays to quash the FIR.



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4.The learned Government Advocate (Criminal Side) submits that the case was registered on 14.09.2023. The petitioner has created subsequent document by obtaining DTCP approval from the concerned authorities that too based on the forged power deed and the sale deed, which has been executed pursuant to the fraudulent document. He further submits that the value of the property is more than Rs.35,00,000/-, which has been stated in the document, however, the petitioner has deposited only a sum of Rs. 35.00.000/- before the trial Court.

5.This court considered the rival submissions made.

6.This Court has suggested the petitioner that in the event that the power deed is a forged one, whether he is willing to cancel the sale deed, which has been registered in his favour, for which, the learned Counsel for the petitioner is not inclined to do so.

7.The learned Counsel for the petitioner claims that the defacto complainant is not having right over the title and the defacto complainant is



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not having the original document. He has also justified that the document purchased by the petitioner is a genuine one.

8.The case is pending at the stage of investigation. The grounds raised by this petitioner 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 this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

9.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.



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10. Therefore, this petition is dismissed 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 petitioner is at liberty to challenge the same in the manner known to law, if he is having any grounds. Consequently, the connected miscellaneous petition is closed.

04.07.2024

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

LR

To

1. The Inspector of Police,
S.S.Colony Police Station,
Madurai City,

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

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B.PUGALENDHI, J.

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