



CrI.O.P.(MD)No.14095 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD)No.14095 of 2022
and
CrI.M.P.(MD)No.9066 of 2022

SP.Kasinathan

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
District Crime Branch,
Thanjavur Police Station, Thanjavur.
(Crime No.4 of 2022)

2.S.Kalyanaraman

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the First Information Report in Crime No.4 of 2022 on the file of the District Crime Branch, Thanjavur and quash the same as against the petitioner alone.

For Petitioner : Mr.K.S.Kathiravan

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

For R2 : Mr.A.Arun Prasad



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ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.4 of 2022 on the file of the District Crime Branch, Thanjavur.

2.The case of the prosecution is that the petitioner is the subsequent purchaser. He *bona bidely* purchased the property from the vendor. For the very same issue, already, the defacto complainant made a complaint before the District Registrar, Thanjavur, under Section 77A of the Registration Act and the same was ended as against the defacto complainant. Against which, the defacto complainant filed an appeal before the Appellate Authority for the very same set of allegation. He also made a complaint before the Law Enforcing Agency for the very same issue. The Law Enforcing Agency cannot be adjudicated the issue since already the District Registrar, Thanjavur directed the parties to approach the competent civil Court for appropriate remedy.

3.However, the learned counsel appearing for the petitioner submitted that this Court may issue a direction to the Investigating



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Officer to conclude the investigation and permit the petitioner to produce the order passed by the Deputy Registrar, Thanjavur under Section 77A of the Registration Act before the Investigating Officer. Thereafter, the Investigating Officer may consider the same and pass appropriate orders.

4.The learned counsel appearing for the second respondent submitted that this Court may issue a direction to the Law Enforcing Agency to conclude the investigation within the time stipulated by this Court.

5.The learned Additional Public Prosecutor appearing for the first respondent submitted that already the co-accused (A3) has approached this Court by way of filing Crl.OP(MD)No.5641 of 2022. This Court, by its order dated 28.03.2022, issued a direction to the respondent police to complete the investigation and filed a final report.

6.In view of the same, without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to produce the order passed by the Deputy Registrar, Thanjavur. Upon perusal of the



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order, the Law Enforcing Agency is directed to conclude the investigation within a period of 6 weeks from the date of receipt of a copy of this order.

7.With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

06.03.2024

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



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- 1.The Inspector of Police,
District Crime Branch,
Thanjavur Police Station,
Thanjavur.

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



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M.DHANDAPANI,J.

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