



Crl.O.P.(MD)No.17380 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.17380 of 2022

and

CMP(MD)No.11763 of 2022

K.Mohan

.. Petitioner/ A1

Vs.

1.The State Rep. by,
The Inspector of Police,
Appanthirupathi Police Station,
Madurai District.
(Crime No.138/2017)

.. 1st Respondent/Complainant

2. S.Balasubramanian

.. 2nd Respondent/ Defacto
Complainant

PRAYER:- Petition filed under Section 482 of Cr.P.C., to call for the entire records relating to the First Information Report in Crime No.138/2017 on the file of the 1st respondent and quash the same so far as the petitioner is concerned.

For Petitioner : Ms.A.Jegatha

For Respondents : Mr.S.Manikandan
Government Advocate (Crl. side)
for R1

: No appearance for R2



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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.138 of 2017 on the file of the 1st respondent.

2. The case of the prosecution is that the defacto complainant purchased 59 cents of land belonging to the petitioner in Kalanthiri Village vide sale deed Document No.1233 of 2010 dated 24.05.2010 registered before the Chittampatti Sub Registrar Office. Since the date of purchase, the defacto complainant is in possession and enjoyment of the property. In the meantime, in order to sell the property, the defacto complainant applied for encumbrance certificate, at that time, he came to know that after the sale of property, again the petitioner mortgaged the same property to one A.P.Ganapathy and the same was registered vide Document No.1220 of 2011 dated 20.04.2011. Hence, the petitioner has committed breach of trust and cheating and when the same was questioned, it is alleged that the petitioner threatened and abused the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, this Court may issue a



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direction to the first respondent police to complete the investigation within a stipulated period by providing an opportunity to the petitioner in order to disprove the complaint preferred by the second respondent by producing necessary documents before the Law Enforcing Agency.

4. Heard the learned Government Advocate (Crl. side) appearing for the first respondent.

5. In view of the fair submission made by the learned counsel appearing for the petitioner, this Court is inclined to dispose the present petition by giving necessary direction to the first respondent. Accordingly, the petitioner is directed to produce all the necessary documents before the Law Enforcing Agency within a period of two weeks from the date of receipt of a copy of this order. On such production, the first respondent police is directed to conduct the investigation and complete the same within a period of twelve weeks thereafter, by providing necessary opportunity to both parties and after completing the investigation, if any cognizable offences are made out, the first respondent shall file a charge sheet in the manner known to law. Incase, if cognizable offences are not made out, the first respondent Police shall close the case as “mistake of fact”. The petitioner is at liberty to produce



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all documents, in order to prove that there is no criminality in the complaint preferred by the second respondent.

6. In the result, this criminal original petition is disposed of.

Consequently, connected miscellaneous petition is closed.

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

18.03.2024

PJL

To

1. The Inspector of Police,
Appanthirupathi Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

PJL

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