



Crl.O.P.(MD)No.22862 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.22862 of 2022

and

Crl.M.P.(MD)Nos.16169 of 2022 and 6714 of 2023

1.R.Jharson
2.Prabha
3.Chandrakala
4.Jharsanya

... Petitioners

Vs.

1.The Inspector of Police,
District Crime Branch,
Kanyakumari District.
(Crime No.43 of 2022)

2.K.Muthaiyan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Crime No.43 of 2022, on the file of the District Crime Branch, Kanyakumari District and quash the same as against the petitioners.

For Petitioners : Mr.M.P.Senthil

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

For R2 : Mr.N.Ananthapadmanabhan
Senior Counsel
for Mr.Cibi Chakraborty



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ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.43 of 2022 on the file of the first respondent.

2.The case of the prosecution is that the first petitioner is the owner of the disputed property. The second respondent approached the first petitioner and expressed his willingness to purchase the above said disputed property. The first petitioner also agreed to sell the above said disputed property for a total sale consideration of Rs.5,50,00,000/- on 05.02.2022. It is the further case of the prosecution that all the accused persons received a sum of Rs.2,64,00,00/- as advance and thereafter, neither executed a sale deed nor repaid the said amount and also cheated the second respondent.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and the dispute between the parties is purely civil in nature, arising out of a contract for the sale of property and the second respondent has failed to perform his part of the contract and lodged a false complaint against the petitioners. Hence, he prayed for



allowing this petition.

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4.The learned Additional Public Prosecutor appearing for the first respondent would submit that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

5.The learned Senior Counsel for the second respondent has not disputed the said facts submitted by the learned Additional Public Prosecutor.

6.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 de-facto complainant has deliberately roped in the petitioners, 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.*



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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.

7.In the result, this criminal original petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

28.03.2024

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

1.The Inspector of Police,
District Crime Branch,
Kanyakumari District.

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



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M.DHANDAPANI,J.

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