



Crl.O.P.No.30356 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.30356 of 2024
and Crl.M.P.No.17180 of 2024

L.Kirubakaran

... Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
Mecheri Police Station,
Mecheri, Salem District.
(Crime No.342 of 2023)

2.Arjunan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
and 528 of BNSS Act, pleaded to call for the records in Crime No.342 of
2023 on the file of the first respondent police and quash the same.

For Petitioner : Mr.E.C.Ramesh

For Respondent 1 : Mr.S.Sugendran,



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Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.342 of 2023 on the file of the first respondent police and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the petitioner acted only as a middleman to A11 and the defacto complainant and the petitioner transferred the subject property only after the approval and consent of the defacto complainant. Further, F.I.R does not disclose any offence as against the petitioner. Hence he prays to quash the F.I.R.



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4. Learned Additional Public Prosecutor submitted that prima facie allegations are available as against the petitioner. Due to stay granted by this Court, the respondent police is unable to proceed with the investigation.

5. On a perusal of the records submitted by the petitioner, complaint, averments made in the F.I.R, it is found that there are prima facie allegations made out as against the petitioner and he has also been arrayed as named accused. The grounds taken by the the petitioner are nothing but defence and the same can be decided only after completion of investigation. It is well settled proposition of law that F.I.R is not an encyclopedia and it sets the law in motion. Investigation only reveals as to whether the petitioner is actually involved in the case or not. This Court does not find any ground to quash the F.I.R as against the petitioner.



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6. In view of the same, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed. However, the respondent police is directed to proceed with the investigation and file a charge sheet within a period of six months from the date of receipt of a copy of this order.

21.01.2025

(2/3)

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Inspector of Police,
Mecheri Police Station,
Mecheri, Salem District.

2. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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