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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP NO. 1634 of 2024

AND

CRL MP NO. 1117 OF 2024

MANIKANDASWAMY

S/o.Kengappan, 2/221c, South Street,
Periyavaalavaadi, Tiruppur, Tamil Nadu -
642132.

Petitioner(s)

Vs

1.Inspector Of Police
DCB Police Station, Tiruppur.

2.PRAKASH

S/o.Late Mr.Sundaram Alias Somasundaram,
5/404, Murugan Nagar, Ramaswamy Nagar,
Udumalipet, Tiruppur.

Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the FIR in Crime No.9 of 2023, registered and pending on the file of the first respondent and quash the same in so far as the petitioner concerned.

For Petitioner(s):

M/S.ANIRUDH A SRIRAM - No Appearance

For Respondent(s):

A.Gopinath Government Advocate Criminal Side
for R1



M.R. THANGAVEL, COUNSEL FOR R2

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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the FIR in Crime No.9 of 2023, registered and pending on the file of the first respondent and quash the same in so far as the petitioner concerned.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.The case of the prosecution pertains to the controversy in respect of registration of four sale deeds in respect of the properties situated at Kanakkanapalayam Village, Udumulpet taluk, Trippur District which are comprised in various survey numbers. In the year 1997, the lands which were originally belonged to the husband of Mrs.Urmila Sridhar (A1) were declared as excess lands over the maximum ceiling limit imposed under the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 and the excess lands were declared for assigning the same to the landless persons by the then Government and the beneficiaries of this assignment were 2nd



respondent Mr.Prakash, Mr.Palanisamy Mr.S.Ramar and Mr.Sellamuthu.

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After expiry of the assignment period, the farm workers in respect of whom the subject properties were assigned had requested the original land owners to purchase back the property from them since they were in dire need of money and accordingly, the alleged four sale deeds were executed by Mr.Velusamy between respective vendors and Mr.Urmila Sridhar for consideration. It is alleged that the accused had created forged documents and Aadhar cards in favour of fake persons and fraudulently and got registered the sale deeds and thereby committed the offences punishable under Sections 120B, 419, 465, 468 and 471 of IPC.

4. On a perusal of the FIR, this Court finds that there are specific allegations as against the petitioner and he is one of the accused involved in the commission of the offence and when the allegations constitute the offences under Sections 120B, 419, 465, 468 & 471 of IPC. Further the Hon'ble Supreme Court of India issued directions in the judgment reported in **2021 SCC Online SC 315** in the case of **M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of Maharashtra & ors.**, as follows :-

“23.



vi) *Criminal proceedings ought not to be scuttled at the initial stage;*

vii) *Quashing of a complaint/FIR should be an exception rather than an ordinary rule;*

.....

xii) *The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;*

.....

xv) *When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a*



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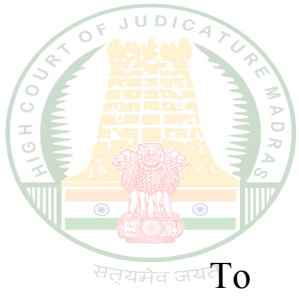
cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;”

5. In view of the above discussions, this Court is not inclined to quash the First Information Report. The first respondent is directed to complete the investigation in Crime No.9 of 2023 and file a final report within a period of four weeks from the date of receipt of copy of this Order, before the jurisdiction Magistrate, if not already filed.

6. This Criminal Original Petition is dismissed accordingly. Consequently, connected miscellaneous petition is closed.

17-03-2025

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To

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1. Inspector Of Police

Dcb Police Station, Tiruppur.

2. The Public Prosecutor,
High Court, Madras.



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**G.K. ILANTHIRAIYAN.J.,
dn**

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