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CRL OP No. 10419 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 10419 of 2025

S.Manikandan
S/o.Sadogapan,
No.11, Arockia Ammal Garden,
Thirumudi Sethuraman Nagar,
Pondicherry - 605 011.

Petitioner(s)

Vs

1.The State represented by
The Inspector Of Police,
CBCID Police Station, Pudhucherry.

2.The Secretary
Sri Kamatchi Amman Temple Devasthanam,
No.60, Bharathi Street, Puducherry-1.

Respondent(s)

Criminal Original Petition filed under Section 528 of BNSS Act, 2023, to call for the records and quash the First Information Report in Crime No.23 of 2022 pending investigation on the file of the first respondent police insofar as the petitioner is concerned.



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For Petitioner(s): Mr.T. Saikrishnan

For Respondent(s): Mr.K.S.Mohandoss,
Additional Public Prosecutor
(Puducherry) for R1

ORDER

This criminal original petition has been filed to call for the records and quash the First Information Report in Crime No.23 of 2022 pending investigation on the file of the first respondent police insofar as the petitioner is concerned.

2. It is the case of the prosecution that the petitioner along with other accused had forged certain documents and had falsely claimed title over the property of the *de facto* complainant.

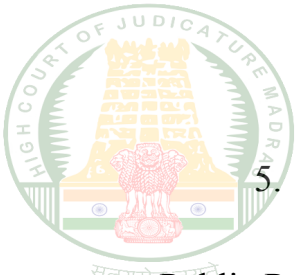
3. The learned counsel for the petitioner submitted that the allegations are false; that in fact the *de facto* complainant had approached the Settlement Officer for grant of patta in respect of the disputed property and the same was disallowed by order dated 26.08.2019; that thereafter, the *de facto* complainant



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filed an appeal before the Appellate Authority of the Survey Department and the same was also dismissed on 23.06.2021 in Appeal No.21 of 2019; that a complaint was lodged by the *de facto* complainant to the Tahsildar alleging land grabbing and the same was dismissed on 28.12.2020 holding that the allegations only reveal a civil dispute; that the *de facto* complainant had filed a writ petition before this court challenging the order of the Appellate Authority, Survey Department and a direction was issued by the learned Single Judge, against which, the petitioners preferred Writ Appeal No.2851 of 2023 and this court by order dated 13.10.2023, had observed that it is appropriate that the issue between the parties is decided by the civil court, thereby, suggesting that the dispute is civil in nature; and hence, prayed for quashing of the FIR.

4. The learned Additional Public Prosecutor (Puducherry) appearing for the first respondent police, however, submitted that the petitioner is the prime accused; that the investigation so far revealed that the petitioner had forged certain documents and falsely claimed title over the disputed property in collusion with other accused; and that the investigation is almost completed and the final report would be filed in the near future.



5. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor (Puducherry) for the first respondent and perused the records.

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6. Considering the aforesaid submissions made by the learned counsel on both sides and since the final report is almost ready this Court is not inclined to go into the merits of the rival submissions at this stage. Hence, is not inclined to quash the FIR. It is desirable to await the result of the investigation, which is almost completed.

Hence, this criminal original petition is closed with liberty to the petitioner to challenge the final report, if he is aggrieved and if he is advised to do so.

23-04-2025

nsd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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1.The Inspector Of Police,
CBCID Police Station, Pudhucherry.

2.The Secretary
Sri Kamatchi Amman Temple Devasthanam,
No.60, Bharathi Street, Puducherry-1.



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SUNDER MOHAN J.

nsd

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