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Crl.O.P.No.10884 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.10884 of 2025 and
Crl.M.P.No.7205 of 2025

R.Mohankumar

...Petitioner

Vs.

1. State represented by
The Inspector of Police
District Crime Branch,
Coimbatore.

2. Sakthivel

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the First Information Report in Crime No.22 of 2024 on the file of the respondent police and to quash the same.

For Petitioner : Mr.R.Nandha Kumar

For Respondents : Dr.C.E.Pratap
Govt. Advocate (Crl.Side) for R1
Mr.M.Saravanan for R2



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ORDER

This petition has been filed seeking to quash the case in Cr.No.22 of 2024 pending on the file of the first respondent police.

2 According to learned counsel for the petitioner, based on the complaint given by the second respondent, a case in Cr.No.22 of 2024 has been registered against the petitioner and others and the petitioner has been arrayed as second accused. The petitioner filed suit in O.S.No.188 of 2008 against the defacto complainant and others for partition and separate possession and he also filed a suit in O.S.No.663 of 2010 for declaration of his title over 1/4th share in the properties in S.F.No.5, 7 and 8 etc., Both the suits were decreed vide common judgment dated 24.01.2011 as prayed for. The defacto complainant was also examined as D.W.4 in O.S.No.188 of 2008 and he deposed to the effect of affirming/confirming the right of the petitioner over the properties. Now challenging the decree in the above two suits, the second respondent filed suit in O.S.No.516 of 2018 against the petitioner and others and he has also filed the present complaint



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against the petitioner for the same allegations. Hence the complaint in Cr.No.22 of 2024, which is purely civil in nature, is liable to be quashed.

3 The learned counsel for the second respondent would submit that the alleged deposition by the second respondent/defacto complainant in O.S.No.188 of 2008 is with regard to other survey number and the petitioner obtained the decree by collusion. Therefore the second respondent filed suit in O.S.No.516 of 2018 against the petitioner and others. The petitioner has also forged certain documents in order to cheat the second respondent and when the same was questioned, he threatened the second respondent/defacto complainant with dire consequences and hence the present complaint was filed against the petitioner and others.

4 Learned Government Advocate (Crl.Side) for the first respondent would submit that based on the complaint given by the second respondent, present case in Cr.No.22 of 2024 has been registered and investigation is pending.



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5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 It is seen that the petitioner filed suit and obtained decree, in which, the second respondent/defacto complainant was examined as D.W.4. Now the second respondent/defacto complainant has also filed suit in O.S.No.516 of 2018, before the learned Principal District Judge, Coimbatore, to set aside the decree obtained by the petitioner, in which the documents of the properties in dispute has also been referred. Now the second respondent filed complaint alleging that the petitioner has forged certain documents, which are all admittedly covered under the present suit. Therefore there cannot be two parallel proceedings one before the Civil Court and another in the present complaint. Once the subject matter is covered in the civil suit pending before the Civil Court, both the parties can workout their remedy before Civil Court.



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Accordingly, the case in Cr.No.22 of 2024 pending before the first respondent police is hereby quashed and the Criminal Original Petition stands allowed. Consequently connected miscellaneous petition is closed. Both the parties are at liberty to workout their remedy before the Civil Court, where the suit is pending.

10.06.2025

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Speaking /Non-speaking order

To

1. The Inspector of Police, District Crime Branch, Coimbatore.
2. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.

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