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Crl.O.P.No.13145 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.13145 of 2025 and
Crl.M.P.No.8712 of 2025

1. P.R.Shibbinraj
2. P.Nithya Priya

...Petitioners

Vs.

1. State represented by
The Inspector of Police,
Central Crime Branch, Salem City.
Crime No.23 of 2024.

2. Kavitha

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the First Information Report registered in Crime No.23 of 2024 on the file of the first respondent police and to quash the same.



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For Petitioners : Mr.C.Munusamy

For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (CrI.Side) for R1

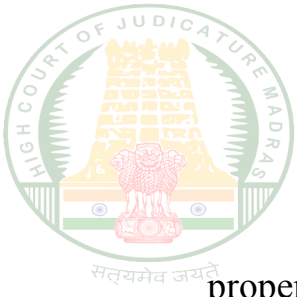
Mr.B.Manimaran for R2

ORDER

This petition has been filed seeking to quash the case in Cr.No.23 of 2024 pending on the file of the first respondent police.

2 According to learned counsel for the petitioners the defacto complainant is a notorious land grabbing criminal and she is claiming title over the property, which in fact was purchased by the petitioners for valuable consideration. The petitioner is in possession of the property. Therefore the present case filed by the defacto complainant is nothing but an abuse of process of law and the same has to be quashed.

3 Learned counsel for the second respondent/defacto complainant would submit that the defacto complainant purchased the



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property and she in possession of the same and suppressing the above facts, the petitioner fraudulently obtained loan on the property owned by the defacto complainant. Therefore present complaint is filed.

4 The learned Government Advocate (Crl.Side) for the first respondent police would submit that based on the complaint given by the second respondent/defacto complainant, the case has been registered against the petitioner and investigation is pending.

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

6 From the complaint, the First Information Report and the submissions made by both the learned counsel, it is seen that both the parties are claiming right over the property stating they purchased the property and they are in possession of the same. Therefore it is clear that the dispute between the petitioner and the second respondent is purely civil in



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nature. This Court cannot testify the civil documents produced by both the parties, which can be done only by the Civil Court. Therefore this Court is of the view that the civil dispute between the petitioners and the defacto complainant has been given criminal colour, which is liable to be quashed.

7 Accordingly this Criminal Original Petition stands allowed and the case in Cr.No.23 of 2024 against the petitioners is hereby quashed. However second respondent/defacto complainant is at liberty to workout her remedy in the manner known to law. Consequently connected miscellaneous petition is closed.

18.06.2025

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Speaking /Non-speaking order

To

1. The Inspector of Police, Central Crime Branch, Salem City.
2. The Public Prosecutor, Madras High Court.

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P.VELMURUGAN, J.

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