

Crl.O.P.(MD) No.1969 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.1969 of 2025

and

Crl.M.P(MD)No.1349 of 2025

Arputhavalli

... Petitioner

Vs.

1. The Inspector of Police
District Crime Branch
Virudhunagar District

2. J. Saravanakumar

... 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. 10 of 2024 on the file of the first respondent police and quash the same against the petitioner.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate (Crl. Side)

No.2 : Mr.D.Dhana Chandra Prakash



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ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.10 of 2024 on the file of the first respondent police.

2. The learned counsel appearing for the petitioner would submit that the second respondent lodged a false complaint against the petitioner and others before the first respondent a case has been registered in Crime No.10 of 2024 for the offences under Sections 120(b), 420, 465, 468, 471, 294(b) and 506(2) of IPC and this petitioner was arrayed as seventh accused in this case. Infact this petitioner was arrayed as accused on the ground that he is a document writer. As per the case of prosecution the properties in S.No. 2/1,1/5,1/6,6/1,2/2,6/2,6/3,7/2,1/1,1/2A,1/2B,1/3, 1/4, 3/2, 7/1 at Ammapatti Village , Sattur Taluk, Virudhunagar District to an extent of 27 acres and 70 cents and the said land belongs to M/s.IVR Prime Developers(Arakku) Pvt Ltd, Hyderabad, Andhra Pradesh. Two properties were purchased through power agent of the company namely N.S.Mani on various dates . The defacto complainant decided to purchase the property @ Rs.3,10,000/- per acre and paid a sum of Rs.85,87,000/- to



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the above said persons and additionally paid a sum of Rs.6,00,000/- toward registration charges totally Rs.91,87,000/- was paid and obtained two sale deeds on 05.02.2024 and 23.02.2024 respectively. At the time of registration the property documents were not given to the defacto complainant by A3 to A5. Later the defacto complainant came to know that the private company did not give any power to N.S.Mani and the power of attorney deed was created. Hence he lodged a complaint and based on the same, the First Information Report has been registered . This petitioner was arrayed as seventh accused and she was a document writer. Inface this petitioner is not aware of the document whether it was original or fake. Therefore only with malafide intention the petitioner has been arrayed as one of the accused in this case, thereby the registration of the First Information Report is abuse of process of law and the same is liable to be quashed.

3. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No.10 of 2024 for the offences under Sections 120(b),420, 465, 468, 471, 294(b) and 506(2) of IPC and the case is under investigation and at this stage the



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First Information Report cannot be quashed and hence petition is liable to be dismissed.

4. The learned counsel appearing for the second respondent would submit that the petitioner along with others conspired together and created forged power of attorney deed. Thereafter the first accused along with other have sold the property to the defacto complainant by suppressing material facts and without any title they cheated the defacto complainant to the tune of Rs.91,87,000/- and thereby he lodged a complaint and a case has been registered and the investigation is pending. The registering authority and the document writer colluded with the other accused and registered the documents, therefore it needs elaborate investigation and therefore petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. As per the case of prosecution the A1 to A5 cheated the defacto complainant by executing sale deed without any title over the property and same was registered by the sixth accused and this petitioner is only a document writer. Without verifying the documents all the accused



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conspired together and cheated the defacto complainant. This petitioner only prepared document and presented documents for registration. Apart from that there is no any criminal act done by her and she has no intention to cheat the defacto complainant.

7. This Court carefully perused all the materials. On perusal of the First Information Report and other records it is seen in the last line of the complaint and the First Information Report wherein the defacto complainant stated that A1 to A5 conspired together with the Sub Registrar and document writer abetted to commit the offence. Apart from this there is no allegation as against this petitioner. Therefore without any material including the name of the petitioner in the First Information Report and without any specific allegation, registering the First Information Report is abuse of process of law. There are no averments to constitute the offence as per the First Information Report, therefore the pending First Information Report is liable to be quashed as against this petitioner.

8. The learned counsel appearing for the second respondent relied on the following judgments:



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a) Kaptan Singh .vs. The State of Uttar Pradesh and others in

Crime Appeal No. 787 of 2021

b) Shekhar .vs. The State of Karnataka but its Doddaballapura Town

Police Station, Bengaluru District, Rep. by High Court SPP, Bengaluru

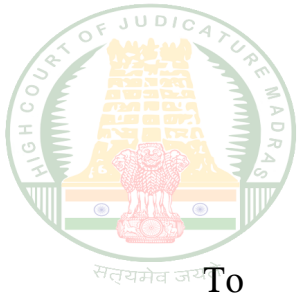
and another

9. On careful perusal of the above said judgments they will not be applicable to the present facts of the case. In the case on hand there is no any allegation in the First Information Report to constitute the offence as against this petitioner.

10. In view of the same, the Criminal Original Petition stands allowed and the First Information Report in Crime No.10 of 2024 on the file of the first respondent police is hereby quashed as against this petitioner. Consequently connected miscellaneous petition stands closed.

17.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To
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1. The Inspector of Police
District Crime Branch
Virudhunagar District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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