

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.31584 of 2014

and

M.P.No.1 of 2014

1.Meenakshi

2.Subramaniam @ Ganapathy

...Petitioners/A1 & 2

Vs

1.The State rep.by

The Inspector of Police,

District Crime Branch Police Station,

Thiruvarur District.

...1st Respondent/Complainant

2.N.K.Vanan

...2nd Respondent/Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in pursuant to the FIR in Crime No.7 of 2014 and quash the same, in so far as the petitioner concerned on the file of the respondent herein.

For Petitioners : Mr.V.Sukumar

For Respondents : Mr.C.Emalias

Additional Public Prosecutor for R1

Mr.A.Nagarajan for R2

ORDER

This petition has been filed to call for the records pursuant to the FIR in Crime No.7 of 2014 and quash the same.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent No.1 and the learned counsel for the respondent No.1 and perused the material placed on record.

3.The crux of the allegation in the FIR is that the property in question, measuring about 4 ½ acres, originally belongs to Abhayambal @ Babyammal. Abhayambal has three sons and one daughter. It is seen that the property was sold by one of the sons of Abhayambal by name N.S.Rajagopal in favour of Meenakashi, the petitioner herein, on 19.03.2003 on the strength of the alleged Will, that was left by Abhayambal bequeathing the property to him.

4.The learned counsel for the petitioners submitted that a civil suit is pending, wherein the Will has been filed and a finding is not arrived at by the Civil Court as to whether the Will was fabricated one or genuine one. Therefore, the learned counsel for the petitioners submitted that the present FIR against the petitioner lodged by N.K.Vanan, grandson of Abhayambal, making allegations that his uncle N.S.Rajagopal and the petitioners had entered into the conspiracy, created a Will and sold the property on 19.03.2003, should be quashed.

5.It is pointed out to this Court that even in the Sale Deed dated 19.03.2003 executed by N.S.Rajagopal in favour of G.Meenakshi and A.G.Subramaniam, the 2nd accused and the husband of Meenakshi, have signed, as if he is the son of Sadagopan and that he is residing in "No.Y197, II Street, West Anna Nagar, Chennai-600 040", whereas his wife Meenakshi's address is shown as "No.74, Mudaliar Street, Kulikkarai Village, Kodaivasal Taluk, Thiruvavur District. Thus, prima facie appears to be some materials for police investigation, in order to find out whether Meenakshi and her husband A.G.Subramaniam are innocent purchasers or whether they are dealing with the properties that does not belong to N.S.Rajagopal. At this stage, FIR cannot be quashed. Hence, this petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Inspector of Police,
District Crime Branch Police Station,
Thiruvarur District.

2.The Public Prosecutor,
High Court, Madras.

2 CCs to Mr.K.R.Ramesh, Advocate SR.No. 32415, 2287

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SV (CO)
PSI (08.05.2015)



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