

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.11838 of 2016 & Crl.M.P. No.6066 of 2016

B. Raghuraman Petitioner
Vs.

1 The Inspector of Police
J-12, Kanathur Police Station
Kanathur Reddy Kuppan
Kanathur

2 A. Karuppannan Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for records and quash the final report dated 20.06.2014 filed in Crime No.3352 of 2012 which has now culminated as C.C. No.423/2014, now pending on the file of the Judicial Magistrate Court at Alandur.

For petitioner Mr. B. Kumar, Sr. Counsel
for Mr. M. Aravind Subramaniam

For R1 Mr. C. Emalias
Addl. Govt. Pleader

For R2 Mr. Rajavelu

ORDER

This Criminal Original Petition has been filed to call for records and quash the final report dated 20.06.2014 filed in Crime No.3352 of 2012, which has now culminated as C.C. No.423/2014 and is pending on the file of the Judicial Magistrate Court at Alandur.

2 For the sake of convenience, the parties will be referred to by their name.

3 The property in question originally belonged to one Chitrakala, who was in neck-deep debts. Her property was brought for sale in a public auction by the Principal Sub Judge, Salem. One Karuppannan, the second respondent herein, became the successful bidder of the property and the Principal Sub Judge, Salem, by order dated 16.11.2009, directed the administrators of the property to register sale deed in favour of Karuppannan, pursuant to which, sale deed in Document No.2079 of 2010 was registered in favour of Karuppannan on 25.03.2010 in the office of the Sub Registrar, Kanathur.

4 While so, seemingly, Chitrakala had given power of attorney in the year 1993 to one Devi Palanisamy (A3) and thereafter, she had breathed her last on 09.12.1997. After the demise of Chitrakala, Devi Palanisamy (A3) had executed a sale deed in respect of the said property to one Y.V. Subramaniam (A1) on 26.08.2002 and the document has been registered as Document No.2112/2002. Thereafter, Y.V. Subramaniam (A1) has executed an unregistered lease deed in favour of his Manager, Raghuraman (A2), the petitioner herein on 20.03.2007, on the strength of which Raghuraman (A2) was preventing Karuppannan from taking possession of the property.

5 On the complaint lodged by Karuppannan, the first respondent police registered a case in Crime No.3352 of 2012 and thereafter, transferred the case to Central Crime Branch, Team-18. After completing the investigation, the Inspector of Police, Central Crime Branch, Team-18, filed a final report in C.C. No.423 of 2014 before the Judicial Magistrate Court, Alandur against Y.V.Subramanyam (A1), Raghuraman (A2), Devi Palanisamy (A3), Srivani (A4) and Mahatiswarasagar (A5), challenging which, Raghuraman (A2) is before this Court.

6 Heard Mr. B. Kumar, learned Senior Counsel appearing for Raghuraman, Mr. C. Emalias, learned Additional Public Prosecutor appearing for the first respondent-State and Mr.Rajavelu, learned counsel for Karuppannan.

7 Mr. B. Kumar, learned Senior Counsel for Raghuraman submitted that there is no iota of material to implicate Raghuraman in the offence, inasmuch as, Raghuraman was only an employee under Y.V.Subramaniam (A1) and even according to the prosecution, the lease deed that was executed in favour of Raghuraman (A2) was cancelled by Y.V.Subramaniam (A1) and only thereafter, Y.V.Subramaniam (A1) settled the property in favour of his wife and son.

8 Per contra, Mr. Rajavelu, learned counsel for Karuppannan, submitted that Raghuraman is not as innocent as what he has been portrayed and that Raghuraman had been doing everything possible to prevent Karuppannan from taking possession of the property by filing a suit in O.S. No.132 of 2010 before the District Munsif Court, Chengalpet, which was followed up with C.M.A. No.10 of 2010 before the Sub Court, Chengalpet and C.R.P. No.4707 and 4708 of 2010 before this Court.

9 Mr. Rajavelu further submitted that all these litigations have prevented Karuppannan for some time from taking possession of the property, though he had purchased the property in the Court action, which only shows that Y.V. Subramaniam (A1) and Raghuraman (A2) were working in tandem.

10 Though at the first blush, there appeared to be some force in the submission of Mr. B. Kumar, learned Senior Counsel for Raghuraman, on a closer analysis of the case, this Courts finds much force in the submission made by Mr. Rajavelu, inasmuch as, prima facie, there are materials to show that Raghuraman (A2) was not a mere employee under Y.V. Subramanyam (A1) and the fact that he has filed so many cases against Karuppannan, does make out a case against him for facing trial as the charge under Section 120-B, IPC, has been included in the final report. In view of the above, since there are sufficient materials for the trial to proceed, this is not a fit case for interference, at this stage.

11 The learned Additional Public Prosecutor appearing for the first respondent-State submitted that the accused have not appeared even once before the Trial Court and are avoiding summons. If that is so, the Trial Court is directed to take coercive steps for securing the presence of the accused for trial.

With the above direction, this Criminal Original Petition stands dismissed. Connected Crl.M.P. is closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1 The Inspector of Police
J-12, Kanathur Police Station
Kanathur Reddy Kuppam
Kanathur

2 The Judicial Magistrate Court
Alandur
Chennai

3 The Inspector of Police
Central Crime Branch
Team - 18
Chennai

4 The Public Prosecutor
Madras High Court
Chennai 600 104

+1 cc to M/s.Rajavelu, advocate, sr.45993

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