

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2016

CORAM

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

Cr1.O.P. No.14893 of 2011

and M.P.Nos.1 to 3 of 2011

1.M.Lakshmanram

2.M.Kishanlal

3.K.Meeta

4.J.Krishnaswamy

Petitioners

vs.

State by Inspector of Police

District Crime Branch

Tiruvallur District.

Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records pertaining to FIR No.12 of 2011 dated 15.06.2011 pending before the respondent and quash the said proceeding against the petitioners.

For petitioners Mr.M.Babu Muthu Meeran

For Respondent Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition has been filed to call for the records pertaining to FIR No.12 of 2011 dated 15.06.2011 pending before the respondent and quash the said proceeding against the petitioners.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by Ethiraj, the respondent police have registered a case in Cr.No.12 of 2011 for offences u/s 465, 468 and 471 IPC against one Lakshmanram and three others, challenging which the accused are before this Court for quashing the FIR.

4. The factual matrix of the case is as under:

[a] One Ponnusamy Gramani was the owner of 5.16 acres of land in Vedanginallur Village, Tiruvallur Taluk and District in S.No.115/1. He had four daughters, viz., (1) Kamalammal, (2) Umayaparvathi, (3) Sundaramabal, and (4) Saraswathiammal. He divided the property into equal shares and now we are concerned only with the shares of Kamalammal and Umayaparvathi.

[b] Ponnusamy Gramani settled 1.36 acres of land to Kamalammal by a settlement deed vide Doc.No.1332/1968 dated 05.04.1968. Similarly, he settled 1.36 acres of land to his daughter Umayaparvathy by a settlement deed vide Doc.No.1333/1968 dated 05.04.1968. Kamalammal sold her share of 1.36 acres of land to one Indirakumar vide Doc.No.393/1984 dated 13.02.1984. Indirakumar took possession of the property and appointed one N.K.Mahendran as his power agent, by Power of Attorney Doc.No.170/1998 to make a lay out of the property and sell the same to various persons. On the strength of the Power of Attorney, N.K.Mahendran formed a lay out and sold the plots to various persons. Thereafter, N.K.Mahendran and one Manoj Kumar connived to sell the same property that was plotted out to various persons and by Doc No.2036/ 1991 dated 22.04.1991, N.K.Mahendran executed a sale deed in favour of Manoj Kumar to an extent of 1.10 acres. This is with regard to Kamalammal branch.

[c] Coming to Umayaparvathy branch, it is the case of the petitioners/accused that they had purchased 1.10 acres of the property that was allotted to Umayaparvathy by a sale deed vide Doc.No.10439 of 2010 on 30.04.2010. The property of Umayaparvathy is located adjacent to the property of Kamalammal. While so, Manoj Kumar, the purchaser of Kamalammal's property appointed one Ethiraj as his power agent to manage the property.

[d] On the complaint of Ethiraj, the aforesaid FIR has been registered against the petitioners/accused. It is the case of Ethiraj that, the petitioners/accused have no title to the property, because Umayaparvathy had died earlier and the petitioners/accused had purchased the property from one Chockalingam, who is one of the heirs of Umayaparvathy, leaving out the other heirs. It is also the allegation of Ethiraj that the petitioners/accused are occupying a large chunk of the

property belonging to Manoj Kumar viz., Kamalammal's share.

5. Learned counsel for the accused contended that Ethiraj/the de facto complainant in Cr.No.12 of 2011 is himself a dubious person, inasmuch as a fresh FIR has been registered as against him in Cr.No.6 of 2014 u/s 383, 416, 417, 418, 419, 420, 427, 463, 465 and 468 IPC against Ethiraj and Manoj Kumar on the complaint given by Indra Kumar.

6. Learned counsel for the accused produced the copy of the FIR in Cr.No.6 of 2014, wherein, Indirakumar, the original purchaser of the property from Kamalammal has alleged that, his power of agent N.K.Mahendran had plotted the entire land and sold to various persons and thereafter, he had sold the same property to Manoj Kumar. Indirakumar has also alleged that Manoj Kumar and Ethiraj have altered the boundary in the parent document viz., Doc.No.1332/1968 of Kamalammal, so as to include Umayaparvathy's land also and usurp that. Admittedly, N.K.Mahendran, the power agent of Indirakumar, died on 30.11.2003.

7. Learned Additional Public Prosecutor, on instructions submitted that, both the FIRs, viz., FIR in Cr.No.12 of 2011 and Cr.No.6 of 2014 are now being investigated by the District Crime Branch, Anti Land Grabbing Cell, Tiruvallur.

8. Learned counsel for the accused also brought to the notice of this Court the alterations that have been made in Doc.No.1332/1968 together with a report of the Sub Registrar, Tiruvallur, who has opined that the document has been manipulated.

9. Per contra, learned Additional Public Prosecutor submitted that after the death of Umayaparvathy, her legal heirs had given the power of attorney to another person and suppressing that, one of the legal heirs. viz., Chockalingam, appears to have given a Power of Attorney to Lakshmanram [A1] in the year 2010, on the strength of which Lakshmanram had sold the property to one Meeta in the year 2010. There is no complaint from any of the legal heirs of Umayaparvathy with regard to this allegation. It is only Ethiraj, who is the accused in Cr.No.6 of 2014 is making hue and cry about this transaction.

10. Under such circumstances, this Court directs the respondent police to complete the investigation in Cr.No.12 of 2011 and Cr.No.6 of 2014 and if it is found that the petitioners have been victimised by Ethiraj, it is needless to state that the FIR against the petitioners in Cr.No.12 of 2011 be closed.

With the above direction, this petition is closed.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gms

To

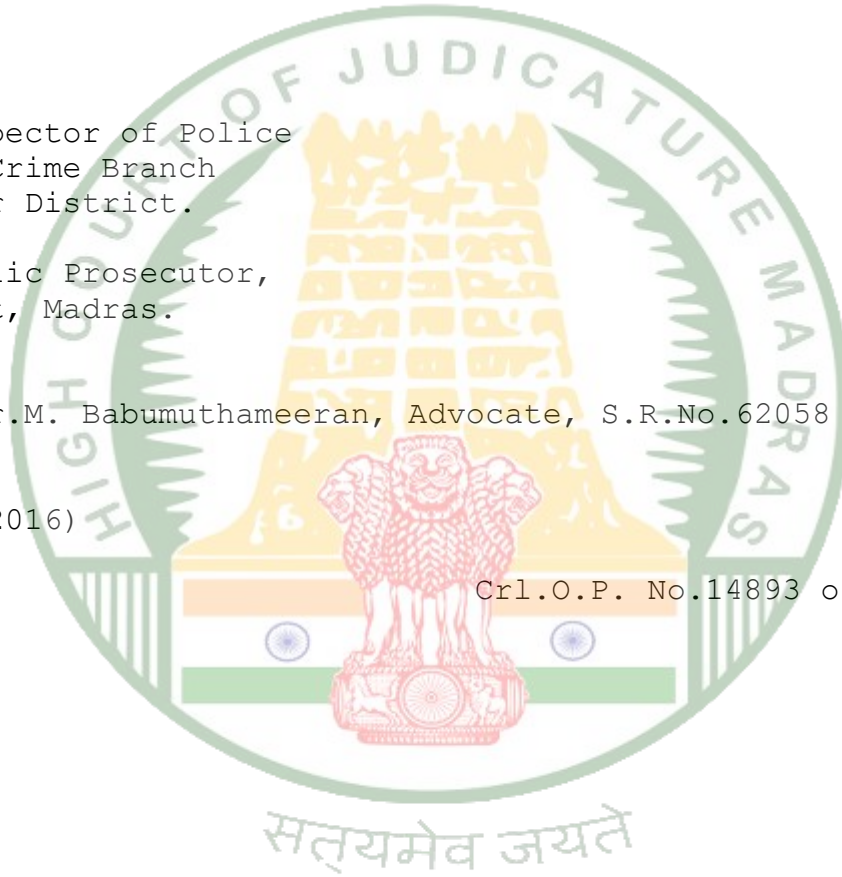
1.The Inspector of Police
District Crime Branch
Tiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M. Babumuthameeran, Advocate, S.R.No.62058

lrs (CO)
md(22/11/2016)

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