

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATE: 03.11.2016

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH**

Criminal Original Petition Nos.18323 & 18748 of 2011  
and M.P.Nos.1 of 2011

P.Kuppusamy [A1]

**... Petitioner in Crl.O.P.No.18323 of 2011**

C.Ramesh [A4]

**... Petitioner in Crl.O.P.No.18748 of 2011**

-Versus-

1.State Rep. by  
The Inspector of Police,  
District Crime Branch,Tirupur.

2.Mr.R.Vijaya Mohan \*

[\*This respondent impleaded as 2nd respondent in  
Crl.O.P.No.18748 of 2011 by order dated 19.09.2011  
made in M.P.No.2 of 2011]

**... Respondents in both Crl.O.Ps.**

**Prayer:** Petitions filed under Section 482 Cr.P.C. praying to call for the entire records relating to the case in Crime No.16 of 2011 pending on the file of the 1st respondent police and to quash the said case in so far as the petitioners are concerned.

*For Petitioners* : *Mr.L.Mouli for petitioner in  
Crl.O.P.No.18323 of 2011*

*Mr.B.K.Sreenivasan for  
petitioner in  
Crl.O.P.No.18748 of 2011*

*For Respondents* : *Mr.C.Emalias, APP for R1 in  
both Crl.O.Ps.*

*Mr.M.Venkateswaran for R1  
in Crl.O.P.No.18748 of 2011*

**COMMON ORDER**

The petitioners, who have been arrayed as A1 and A4 respectively, in the case in Crime No.16 of 2011 on the file of the 1st respondent police have come up with these original petitions seeking to quash the said case.

2. On the complaint lodged by the 2nd respondent R.Vijaya Mohan, the 1st respondent police have registered a case in Crime No.16 of 2011 on 02.07.2011 for offences under Sections 467, 471, 120(B) and 420 of IPC against (1) R.Kuppusamy, the petitioner in Crl.O.P.No.18323 of 2011 by his official title - Tahsildar, Palladam, (2) Village Administrative Officer, Anuppapatti, (3) Rajkumar, Assistant Commissioner, Land Reforms and (4) C.Ramesh, the petitioner in Crl.O.P.No.18748 of 2011. The case is still under investigation. Seeking to quash the said case, the petitioners are before this court with these original petitions.

3. Heard the respective counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent police and also perused the records carefully.

4. On a careful reading of the complaint, it is seen that the de

facto complainant is an ex-service man and that he was assigned 2.11 Acres of surplus land in S.F.No.119 at Anuppampatti Village, Palladam Taluk in the year 1991 under the landless Ex-servicemen quota by the Assistant Commissioner, Land Reforms, vide order 273/MR.IV/17-70/N A.N. 1344/G1 dated 14.02.1991. Along with the petitioner two other ex-servicemen and five persons belonging dalit community were also assigned lands under the same village. It is alleged by the de facto complainant that on the application of the petitioner in Crl.O.P.No.18748 of 2011 - C.Ramesh (A4), the Revenue Officials have issued patta in respect of the land assigned to the de facto complainant in favour of C.Ramesh and hence the FIR.

5. Mr.L.Mouli, the learned counsel appearing for Kuppusamy submitted that Kuppusamy acted in accordance with the directions of the Assistant Commissioner of Land Reforms who in his order dated 19.06.2002 and 02.07.2002 had directed him to issue patta in respect of the land comprised in the survey number in question. Therefore, he cannot be criminally made liable in any way.

6. Mr.Rajarathinam, learned counsel for Ramesh submitted that he sold the property in question to one Srilatha in 2003 and

Srilatha filed a suit in O.S.No.300 of 2008 against the de-facto complainant herein before the Principal Subordinate Court, Tirupur, for declaration and for permanent injunction which was contested by the de-facto complainant and ultimately the suit was decreed in favour of Srilatha on 07.04.2011.

7. Refuting the allegations, the learned counsel appearing for the de-facto complainant submitted that the appeal preferred as against the decree passed in favour of Srilath is pending.

8. Be that as it may be. Admittedly, the petitioners have been granted anticipatory bail and therefore there is no imminent threat of arrest. There are serious allegations made in the first information inasmuch as the land that was earmarked to the landless ex-servicemen and the persons belonging dalit community have been allotted to Ramesh (A4). The investigation is at initial phase. The genuineness of assignment of land and issuance of patta by the revenue department with regard to the land in question are required to be thoroughly investigated by the investigating officer. This court in exercise of its power under Section 482 of Cr.P.C. cannot resort to such a recourse to go into deep and to quash the FIR at its threshold stage. It is for the 1st

respondent police to consider all these aspects during investigation and if it is found that Kuppusamy has not connived with Ramesh and that he acted in obedience of the directions of the his superior officer and that there is no prima facie material against Ramesh to proceed further, it is needless to state that the FIR against them should be closed. However, considering the facts and circumstances of the case, the Deputy Superintendent of Police, D.C.B. Tirupur, shall monitor the investigation in the case in crime No.16 of 2011 pending on the file of the 1st respondent police.

**9. In the result,** both the criminal original petitions are dismissed with the above directions.

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To

- 1.The Inspector of Police, District Crime Branch,Tirupur.
- 2.The Deputy Superintendent of Police, D.C.B., Tirupur.

**P.N.PRAKASH.J.,**

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