

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM:

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

Crl.O.P. No.29951 of 2011

&

M.P. No.1 of 2011

Vanjulavalli

... Petitioner

Vs.

1. The Sub Inspector of Police
Central Crime Branch, Team 16-A
Office of the Commissioner of Police
Egmore, Chennai 600 008

2. Kala Jayachandran

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in respect of the proceedings in FIR No.366/2011/DC/CB registered by the respondent police, viz., Sub Inspector of Police, Central Crime Branch, Team 16A, Chennai and quash the same.

For Petitioner : Mr. Krishna Ravindran

For R1 : Mr. C. Emalias
Additional Public Prosecutor

For R2 : Mr. K. Selvaraj

ORDER

This Criminal Original Petition has been filed seeking to call for the records in respect of the proceedings in FIR No.366/2011/DC/CB registered by the first respondent police, viz., Sub Inspector of Police, Central Crime Branch, Team 16A, Chennai and quash the same.

2. Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that the petitioner had taken change of vakalat. It is seen that the FIR in this case was registered in the year 2011 and the quash application has been pending from 2011 to 2016. Therefore, this Court proceeded to read the papers, heard the learned Additional Public Prosecutor and the learned counsel for the de facto complainant.

3. On the complaint lodged by Kala Jayachandran, the second respondent herein, the first respondent police registered a case in Cr. No.366 of 2011 on 24.08.2011 under Sections 420, 465, 467,468 and 471 IPC against Vanjulavalli, the petitioner herein, challenging which, Vanjulavalli is before this Court.

4. The Inspector of Police, CCB, Team XVII, Egmore, Chennai, has filed a status report which is self explanatory. The relevant portion from the status report is extracted as under:

"2 One Kala Jayachandran, the 2nd respondent herein lodged a complaint before the Commissioner of Police, Egmore, Chennai in which it is stated that she is the absolute owner of 6 plots measuring 24,714 sq. ft. at Velachery Bhuvaneshwari Nagar S. No.317/1. While so, Vanjulavalli, the petitioner herein created forged death and legal heir certificates and a will as if she is the heir of Muthukrishna Iyer who was the original owner of the property and along with her associates tried to grab the property.

3 The above complaint was forwarded to Central Crime Branch, Team - 16A through proper channel and based on that a case in Central Crime Branch X Cr. No.366 of 2011 under Sections 420, 465, 468,471 IPC was registered by Tr.G. Chandru, the then Inspector of Police on 24.08.2011 at 14.45 a.m. and he took up the investigation.

4 During the course of the investigation, Tr. G. Chandru, the then Inspector of Police enquired the second respondent and recorded her statement.

5 The petitioner was arrested on 24.08.2011, remanded to judicial custody and confined at Central Prison for Women, Puzhal. Subsequently, she was released on bail.

6 The legal heir certificate and death certificate seized from the petitioner were sent to Trichy Corporation and Tahsildar, Srirangam respectively to verify their genuineness and it was ascertained that the petitioner had obtained the above certificates by giving false informations.

7 Investigation revealed that the petitioner also created a forged will dt. 21.07.1982 as if one Tr. Muthukrishna Iyer is residing at Srirangam Taluk, Trichy and since there are no issues to him, he adopted his brother's daughter, i.e., the petitioner Vanjulavalli and wrote a will in her

favour bequeathing the properties at Velachery, Bhuvaneswari Nagar in S.No.317/1 to a total extent of 4.72 acres. But, the fact remains that Tr. Muthukrishna Iyer lived at Mylapore, Chennai, survived by his three sons and died on 19.02.1970 itself.

8 Further, using the forged will dt. 21.07.1982, the petitioner filed a petition before the learned Judicial Magistrate No.III, Trichy in C.M.P. No.6930 of 2006 stating that her father Tr. Muthukrishna Iyer died at No.160, Keela Chithirai Street, Srirangam, Trichy 620 006 on 10.03.1983 and sought for a direction to register the death of her father Tr. Muthukrishna Iyer in the Birth and Death Register of Corporation of Trichy and the same was ordered accordingly on 18.01.2007.

9 Based on the above said order dated 18.01.2007, the petitioner obtained the death certificate of Tr. Muthukrishna Iyer and created the Death Certificate of Tmt. Sarojini Ammal, W/o Tr. Muthukrishna Iyer. On verification, the City Health Officer, Tiruchirappalli City Corporation, denied issuance of such certificate.

10 Using the death certificates of Tr. Muthukrishna Iyer and Tmt. Sarojini, the petitioner obtained a legal heir certificate from the Tahsildar, Srirangam. Thereafter, using the forged documents, the petitioner colluded with other accused, encroached into the property in S.No.317/1 situated in Velachery Bhuvaneswari Nagar and demolished the compound walls.

11 Being affected by the encroachment activities of the petitioner and her associates, the 2nd respondent lodged the above complaint and the same was registered in Cr. No.366 of 2011. Similarly, one Tr. A. Venkatesan, Tr. Rajesh Annamalai and Tmt. Swarna have also lodged complaints against the petitioner with the Commissioner of Police, Chennai and the same were registered in CCB X Cr. Nos.370 under Sections 447, 465,467,468,471 r/w 465 and 506(i) and Sec.3(1) of TNPPDL Act, Cr. No.371 under Sections 447,462,467,468,471 r/w 465 IPC and 506(i) IPC and Section 3(1) of TNPPDL Act and Cr. No.381 of 2011 under Sections 447,506 (ii) and Section 3 (1) of TNPPDL Act respectively."

5. From the above, it is seen that the property in question belongs to one Muthukrishna Iyer and Vanjulavalli, claiming herself as the sole legal heir of Muthukrishna Iyer,

filed a petition before the Judicial Magistrate No.III, Trichy in C.M.P. No.6930 of 2006 claiming that her father Muthukrishna Iyer had died on 10.03.1983 and obtained a death certificate by playing fraud on the Court. She created a bogus will dated 21.07.1982 as if Muthukrishna Iyer had bequeathed the property to her.

6. Armed with death certificate, she obtained a legal heir certificate from the Revenue authorities as if she is the only legal heir of the deceased Muthukrishna Iyer. With three documents, viz., bogus will, death certificate and legal heir certificate, she filed a petition before this Court in O.P. No.695 of 2008 in the High Court for Letters of Administration and also obtained an order on 06.04.2009. It is pertinent to point out at this juncture that Muthukrishna Iyer was a permanent resident of Mylapore, Chennai and he died on 19.02.1970, whereas, the will is dated 21.07.1982, which is 12 years after the death of Muthukrishna Iyer.

7. Thus, the FIR does disclose commission of serious offences warranting a thorough investigation to bring the accused to book.

In the result, this Criminal Original Petition is dismissed with a direction to the respondent police to expedite the investigation in Cr. No.366 of 2011. Connected M.P. is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Sub Inspector of Police
Central Crime Branch, Team 16-A
Office of the Commissioner of Police
Egmore, Chennai 600 008
2. The Public Prosecutor
High Court of Madras
Chennai 600 104

Copy To : The Section Officer,
Criminal Section,
High Court, Madras.

CrI.O.P. No.29951 of 2011