

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.3771 of 2011
and
MP.No.1 of 2011

S.Rajalakshmi

... Petitioner

Vs.

State by

The Inspector of Police,

Vandhavasi South Police Station,

Vandhavasi,

Tiruvannamalai District.

(Crime No.1229 of 2010)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C to call for the entire records concerned in Cr.No.1229/2010 on the file of the Inspector of Police, Vandhavasi South Police Station, Vandhavasi, Tiruvannamalai District and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This criminal original petition has been filed to call for the entire records concerned in Cr.No.1229/2010 on the file of the Inspector of Police, Vandhavasi South Police Station, Vandhavasi, Tiruvannamalai District and quash the same.

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

3. On the complaint lodged by one N.Subramanian, in CMP.No.4522/2010 before the Judicial Magistrate, Vandhavasi, who referred the complaint under Section 156(3) Cr.P.C, the

respondent police registered a case in Crime No.1229/2010 under Sections 465, 466 & 467 r/w 120 IPC against five accused, challenging which Rajalakshmi (A3) has filed the present quash petition.

4. It is the case of the de-facto complainant N.Subramanian that he is the owner of the property measuring 1 acre 48 cents in Viashamangalam Village S.No.228/9 and 0.04 cents land in S.No.230/4A1 and that the accused, who were the revenue officials, had issued patta for the said land on the application given by one Jaganathan, Son of Parthasarathy in the year 2008, where as Jaganathan had died as early as 11.03.2000.

5. It is the contention of the petitioner that she was working as an Assistant in Arni Taluk Settlement Office in the year 2008 and only in the year 2009, she was promoted as Zonal Deputy Tahsildar and she joined the Pernamallur, Vandhavasi Taluk Office later.

6. It is also the contention of the petitioner that the title of Subramanian himself is in doubt inasmuch as he has filed the suit based on the strength of a Will that is said to have been executed by his mother Chinnammal and obtained the ex parte decree in his favour on 28.11.1997. The said Subramanian earlier had given a police complaint based on which, the petition enquiry was conducted in CSR No.48 of 2010 and the same was closed. There appears to be sufficient force in the submission of the petitioner / accused. Even if patta had been wrongly issued in favour of Jagannathan, it is always open to be cancelled either by the issuing authority or by his superior authority.

7. Since Subramanian is not before this Court, no order to his prejudice can be passed by this Court. Hence this petition is closed with a direction to the respondent police to conduct a thorough investigation in Crime No.1229/2010 and during investigation, if it is found that the revenue officials, who are accused in this case, had issued the patta without any mens rea, it is needless to state that the FIR should be closed.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mk

To

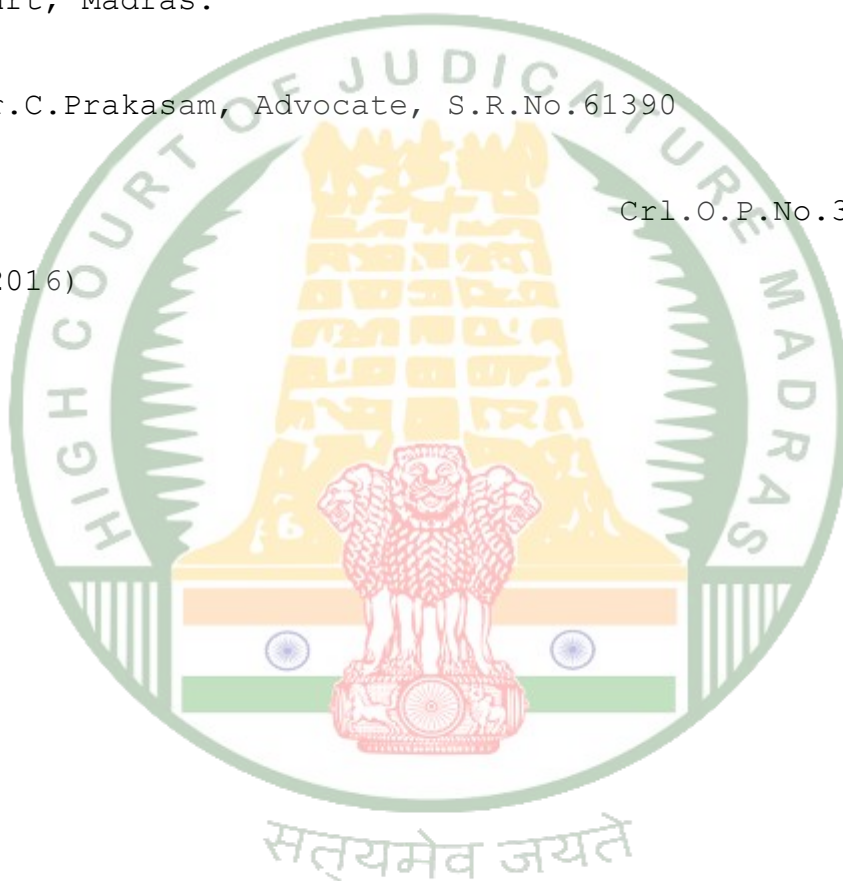
1.The Inspector of Police,
Vandhavasi South Police Station,
Vandhavasi,
Tiruvannamalai District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.61390

CrI.O.P.No.3771 of 2011

GMI (CO)
CA(23/11/2016)



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