

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

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

CrI.O.P. No.24970 of 2016 & CrI. M.P. No.12074 of 2016

1 M. Ponnusamy

2 Revathi

Petitioners/Accused Nos.2 &4

vs.

1 State represented by
the Inspector of Police
District Crime Branch
Coimbatore District
Crime No.44 of 2006

2 K. Rajee Respondents/complainant/
Defacto complainant

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records in C.C. No.467 of 2016 pending on the file of the Judicial Magistrate No.1, Coimbatore, for commission of alleged offences punishable under Sections 420, 467, 468, 471, 506(ii) IPC and 120-B IPC and quash the same.

For petitioner Mr. Satish Kumar
for Mr. N. Chinnaraj
For R1 Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to call for the records in C.C.No.467 of 2016 pending on the file of the Judicial Magistrate No.1, Coimbatore for commission of alleged offences punishable under Sections 420, 467, 468, 471, 506(ii) IPC and 120-B IPC and quash the same.

2 On the complaint lodged by one Rajee, the second respondent herein, the first respondent police registered a case in Cr. No.44 of 2006 and after completing the investigation, has filed a final report in C.C. No.467 of 2016 before the Judicial Magistrate No.I, Coimbatore against Muthusamy (A1), Ponnusamy (A2), Shanmuga Gounder (A3), Revathy (A4) and Sheik Ibrahim

(A5), for offences under Sections 120-B, 467, 468, 471, 420 and 506(ii) IPC read with Section 109 IPC, challenging which, Ponnusamy (A2) is before this Court.

3 Heard Mr. Satish Kumar, learned counsel representing Ponnusamy (A2) and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the first respondent.

4 It is the case of the prosecution that the land in question, measuring 3.37 acres in Nallapalayam Village, originally belonged to one Kumarasamy Gounder, who settled the property in favour of his adopted daughter Rajee by settlement deed dated 31.03.2004. Ponnusamy (A2) is a close friend of Kumarasamy Gounder. Muthusamy (A1) and his son Ponnusamy (A2) are into real estate business. Muthusamy (A1) approached Kumarasamy Gounder stating that the land can be converted into plots and induced him to cancel the settlement deed and also obtained signature from him in a sale agreement for 2.50 acres of land. Thereafter, Muthusamy (A1) has created false documents and transferred the entire extent of 3.37 acres of land in favour of his daughter-in-law Revathy (A4), who is none other than the wife of Ponnusamy (A2).

5 Mr. Satish Kumar, learned counsel contended that the land was transferred validly on the strength of a power of attorney that was given by Kumarasamy Gounder.

6 The allegation is that the sale agreement was entered into only for 2.50 acres, whereas, an extent of 3.37 acres has been sold. Since there are prima facie materials in the final report and the documents collected by the police implicating Ponnusamy (A2), this is not a fit case to quash the prosecution.

Hence, this Criminal Original Petition is dismissed with liberty to the petitioner (Ponnusamy/A2) to raise all points before the Trial Court. It is made clear that whatever observations made in this order are only for the limited purpose of deciding this quash application and the Trial Court shall proceed with the trial uninfluenced by any of the observations made in this order. Connected Crl.M.P. is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

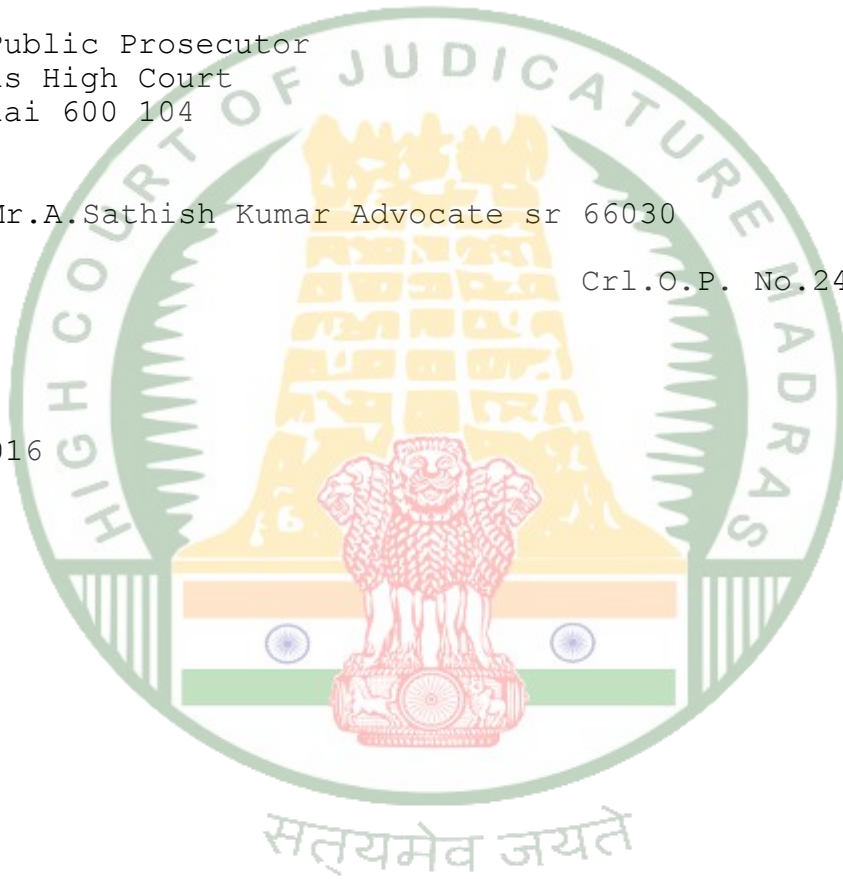
To

- 1 The Inspector of Police
District Crime Branch
Coimbatore District
- 2 The Judicial Magistrate No.1
Coimbatore
- 3 -do-Thro The Chief Judicial Magistrate
Coimbatore
- 4 The Public Prosecutor
Madras High Court
Chennai 600 104

+1 cc to Mr.A.Sathish Kumar Advocate sr 66030

CrI.O.P. No.24970 of 2016

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