



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CONT.P.(MD) No.23 of 2016

in

Cr1.O.P.(MD) No.15982 of 2015

1.V.Balakrishnan

2.Girija

... Petitioners

vs.

1.Karthikeyan

Inspector of Police

Special Wing for Prevention of

Land Grabbing Cell

Thanjavur District

2.G.Dharmarajan, I.P.S.

Superintendent of Police, Thanjavur District

Thanjavur-613 001

... Respondents

Prayer: Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents herein for deliberate and willful disobedience of the order of this Honourable Court dated 18.08.2015 in CRL OP.(MD).No.15982/2015 amounting to Contempt of Court under Section 11 of the Contempt of Courts Act 1971.

Prayer in Cr1.O.P(MD)No.15982 of 2015:

This Petition to filed under Section 482 of the code of counsel procedure, 1973 praying two Honourable Court, to direct the respondents not to harass the petitioner under the guise of enquiry.

For Petitioners : Mr.E.V.N.Siva

For Respondents : Mrs.S.Prabha

Govt. Advocate (Cr1.Side)

O R D E R

This contempt petition has been filed by the petitioners alleging willful disobedience of the Order and directions issued by this Court in Cr1.O.P.(MD) No.15982 of 2015, dated 18.08.2015.

2. The first respondent has filed counter affidavit, wherein in Paragraph Nos.4, 5 and 6, it is stated as follows:

"4.I humbly submit that the defacto complainant namely one Thangarasu had preferred a complaint before this respondents on 29.07.2015 alleging that the 2nd petitioner had purchased a house plot in plot No.740 in Kaithemillath Nagar, Vilar Road, Tanjore



District from one Sheik Alauddin on 09.09.1999 by way of a Registered sale deed. Thereafter the 2nd petitioner had executed a settlement deed in favour of the 1st petitioner on 19.04.2007. In order to cheat the complainant, the 2nd petitioner give paper publication that the document number 3059/1999 i.e., the sale deed between her and the above said Sheik Alauddin was missed. Thereafter the 1st petitioner had sold the said property to the complainant's wife namely Revathi on 25.06.2007. As a result, both parties were summoned to the Police Station and during enquiry it came into light, the above said Sheik Alauddin had in fact cheat the said Balakrishnan by purposefully quoting the plot number as 740 instead of 74. The said Sheik Alauddin had purchased Plot No.74 only on 08.03.1979 and he cheated the 1st petitioner by selling the Plot No.740 instead of 74 and the actual owner of the Plot No.740 is one T.M.Shamsad Begum, W/o.Abdul Karim of Mannarkudi.

5.I humbly submit that the meanwhile after attending the enquiry the petitioners filed a not to harass petition before this Hon'ble Court in Crl.O.P.(M.D) No.15982 of 2015 and this Hon'ble Court vide its order dated 18.08.2015 to carry forward the enquiry by issuing summons in the dictum laid down by the Apex Court in D.K.Basu vs. State of West bengal, (AIR, SC (610)). Meanwhile the complainant also filed a Criminal Original Petition before this Hon'ble Court in Crl.O.P.(M.D) No.17072 of 2015, dated 27.10.2015 whereby it directed the respondents to register the case against the petitioner if prima facie. As per the order in Crl.O.P.(M.D) No.15982 of 2015, the 1st respondent had issued summon to the petitioners on 18.11.2015 to attend the enquiry on 20.11.2015.

6.I humbly submit that I deny the allegation of the petitioner in para No.4 of the affidavit that on 21.11.2015, I forcibly took the petitioners from their home, also compelled their son to issue a Cheque No.557458 of Rs.4 Lakhs to execute a cancellation of sale deed executed by the 1st petitioner in favour of the 2nd petitioner on 25.06.2007. What actually transpired was the petitioners accompanied by their Advocate, attended the enquiry on 20.11.2015 and during that time, the

<https://hcservices.ecourts.gov.in/hcservices/> have reached a settlement thereby the 1st petitioner had agreed to give a cheque No.557458 of Rs.4 lakhs in favour of said Thangarasu and the 1st



petitioner had agreed to execute the cancellation of sale deed, dated 25.06.2007. Subsequently, both parties informed this respondent that they had arrived for a settlement and based on the same, the complaint, dated 29.07.2015 preferred by the Thangarasu was closed on 21.11.2015."

3. On reading of the counter affidavit, it appears that one Thangarasu lodged a complaint before the respondent Police, against the petitioners herein, alleging that they have usurped his property. On enquiry by the respondent Police, it came into light that the first petitioner was cheated by one Sheik Alauddin and therefore on 21.11.2015, the respondent Police have closed the complaint lodged by the said Thangarasu.

4. The learned counsel appearing for the petitioners submitted that the Police have obtained a Cancellation Deed in the Police Station forcibly and also a Cheque for a sum of Rs.4,00,000/- from the first petitioner, which is strongly denied by the first respondent in his counter affidavit.

5. In any event, any Cancellation Deed has to be registered under Section 17 of the Registration Act. But, in this case, the Cancellation Deed said to have been obtained forcibly from the first petitioner herein has not been registered so.

6. Hence, this contempt petition is dismissed with liberty to the petitioners to workout their remedy in the manner known to law.

sd/
Assistant Registrar(CSII)

/True copy/

Sub Assistant Registrar

To:

1.Karthikeyan,

Inspector of Police Special Wing for Prevention of
Land Grabbing Cell,

Thanjavur District.

2.G.Dharmarajan, I.P.S., Superintendent of Police,
Thanjavur District, Thanjavur-613 001.

+1cc to Mr.E.V.N.Siva, Advocate in SR.No.21595

SDR/GSV-PM/06.05.2016/3P/4C

CONT.P. (MD) No.23 of 2016

in

Cr1.O.P. (MD) No.15982 of 2015