

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.11.2016

DELIVERED ON : 15.06.2017

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.Nos.1269 and 1270 of 2016

S.Vinayagam,
S/o. Sadasiva Gounder

... Petitioner in both the
Crl.R.C's

vs.

1. Sri Devi,
D/o. Elumalai Gounder

2. Yasodai,
W/o. Elumalai Gounder

3. Elumalai,
S/o. Gopal

4. Archunan,
S/o.Seenuvasa Gounder

5. Annamalai,
S/o.Sivalingam

...Respondents in Crl.R.C.No.1269
of 2016

1. Sri Devi,
D/o. Elumalai Gounder

2. Yasodai,
W/o. Elumalai Gounder

3. Archunan,
S/o.Seenuvasa Gounder

4. Kumar,
S/o.Ramar

...Respondents in Crl.R.C.No.1270
of 2016

Prayer:

Crl.R.C.No. 1269 of 2016: Criminal Revision Case filed under
Section 397 r/w 401 Cr.P.C. against the order of learned

Judicial Magistrate I, Tindivanam, passed in C.M.P.No.4763 of 2015 on 05.08.2016.

Crl.R.C.No. 1270 of 2016: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. against the order of learned Judicial Magistrate I, Tindivanam, passed in C.M.P.No.4762 of 2015 on 05.08.2016.

For Petitioner : Mr.R.Thirugnanam

For Respondents : Respondents 1 and 2 present
in Court in person

C O M M O N O R D E R

These revisions arise against the orders of learned Judicial Magistrate I, Tindivanam, passed in C.M.P.Nos.4762 and 4763 of 2015 on 05.08.2016.

2. By orders under challenge, Court below has dismissed private complaints preferred by petitioner. Petitioner preferred complaints informing that he is the sister of second respondent and one another and they inherited property from their mother. Second respondent represented herself to be the sole legal heir of the mother and executed a settlement deed in favour of her daughter/first respondent. Coming to know thereof, petitioner and others had gone over to the registration office and questioned the second respondent. Second respondent abused the petitioner in poor language and third respondent in Crl.R.C.No.1269 of 2016, her husband, informed that he had been in Police Department for over 40 years and threatened of doing away with petitioner. Petitioner was chased away by henchmen of respondents 1 to 3 and the registration of the settlement deed in favour of first respondent was completed. Respondents 4 and 5 are witnesses to such settlement deed. Complaints have been preferred alleging offences u/s.294(b), 506(i), 465 and 420 IPC. Court below has dismissed the complaints informing that none of the offences alleged would stand attracted and that the dispute was civil in nature. Against dismissal of his complaint, petitioner has preferred the present revisions.

3. Heard learned counsel for petitioner and respondents 1 and 2, who have appeared before this Court, pursuant to bailable warrant issued on 23.11.2016.

4. This Court would set aside the orders under challenge for the following reasons:

The certified copy of the settlement deed has been produced before Court below. The document reflect legal heir certificates

ostensibly issued by, Endiyur Panchayat Union and Mowzur Panchayat Union. Such documents totally have missed the attention of Court below. Normally, legal heir certificate, whatever be its worth, is issued by the Tahsildar and not by the President of Village Panchayat Union. A perusal of legal heir certificates shows that the same were issued in a regular format and not under due authority. Whether such documents were at all issued by persons by whom it is purported to be and further, if such persons also are party to creation of false document, are questions that necessarily arise. A perusal of statement of witnesses informs that the petitioner was abused and threatened and he left the place in fear. Therefore, while the first observation of this Court would require consideration of the question of whether the document is a false document and offence of forgery stands committed through creation of false document the second would call for consideration of offences u/s. 294(b) and 506 (i) IPC.

These Criminal Revision Cases are allowed. The orders of learned Judicial Magistrate I, Tindivanam, passed in C.M.P.Nos.4762 and 4763 of 2015 on 05.08.2016 are set aside. Court below is directed to take the complaints on file, issue summons to the accused and proceed further in accordance with law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bri

To

The Judicial Magistrate I,
Tindivanam.

+1cc to Mr.R.Thiruanam, Advocate Sr. 42335

Pre-delivery order
in

Cr1.R.C.Nos.1269 and 1270 of 2016

PA(CO)
VR(05/07/2017)