

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :19.07.2017

PRONOUNCED ON : 23.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CrI.OP No.23560 of 2012

and

M.P.No.1 of 2012

B.R.Jayaprakash

.. Petitioner

Vs

1.State represented by
Inspector of Police,
16th Team,
Central Crime Branch,
Egmore,Chennai-600 008.

2.P.R.Balaji Prasad

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records, pertaining to the proceedings registered in F.I.R in X Crime No.503 of 2011, on the file of the respondent police and quash the same insofar as it relates to the petitioner.

For Petitioner :Mr.O.S.Thilak Pasumbadiar

For R1 :Mr.B.Ramesh Babu,
Govt.Advocate(CrI.side)

For R2 :Mr.V.Raghupathi

ORDER

This Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records, pertaining to the proceedings registered in Crime No.503 of 2011, on the file of the respondent police and quash the same insofar as it relates to the petitioner.

2. After hearing, both the parties, it is seen from the records that the case of the prosecution is that one Mr.P.R.Balaji Prasad, son of P.Rupa Kumar, residing at No.39 (Old No.15), Perumal Mudali street, Kondithope, Chennai - 600 079, lodged a complaint that a piece of land, bearing Plot No.11, situated at North Jaganath Nagar, 1st Main Road,

Villivakkam, belonged to him, having been settled in his favour by her grand mother, under a deed of settlement dated 18.02.2008, registered as Doc.No.651 of 2008, in the office of the Sub-Registrar of Villivakkam.

3.The petitioner further submits that the allegation in the complaint is that the suit property was settled in favour of the petitioner by his mother under a deed of settlement dated 26.08.2006 registered as Doc.No.4101 of 2006 and subsequently the said settlement deed was cancelled and a fresh settlement deed dated 18.12.2009 was executed and the same was registered as Doc.No.5385 of 2009, in the office of the Sub-Registrar of Villivakkam, under which the property was settled in favour of the petitioner.

4. Further, he preferred Original Suit in O.S.No.6991 of 2009 against the said Mr.P.R.Balaji Prasad and the same was dismissed for default. As against the order of dismissal, he has filed a restoration petition. Since, the petitioner was in need of funds to meet his family commitments, he sold the property in favour of the 2nd accused, namely, Mr.S.K.Mohammed Jaffar. At this stage, the petitioner has come with the present complaint and a case in X Crime No.503 of 2011, on the file of the respondent police is registered against the petitioner and the 2nd accused for the offence under Section 467,468,read with 471 and 420 of I.P.C., on 12.11.2011. Aggrieved by the action of the respondent police in registering the said, case the present petition is filed.

5. Meanwhile, the first accused filed a suit in O.S.No.6991 of 2009 against the cancellation of the settlement deed.

6. The first respondent/Inspector of Police have filed a detailed report stating that two different state of people have made civil transaction of sale deeds and only to a limited an extent, the case has been investigated and also filed flow chart of various sale transaction taken from originally from commencing in the year 1964 to the present Balaji Prasad, grand-son under the settlement deed dated 18.02.2008 on the western side. While, the other transaction which appears to be commenced to be originally, based upon the damaged legal heir certificate alleged to have been issued in the year 1964 and passed on to various person and finally a sale deed dated 06.01.2010 in favour of Mr. Ramesh and Mr.S.K.Mohammed Jaffar. Since, the Investigation Officer has expressed that further time is required to further investigation so as to come to the definite conclusion as to the nature of the transaction based upon the alleged sale deed dated 25.07.1964, this Court is of the considered vies that it is pre-mature to consider the plea of the accused herein to decide the plea of the Jeyaprakash.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Nvi

sd/
ASSISTANT REGISTRAR

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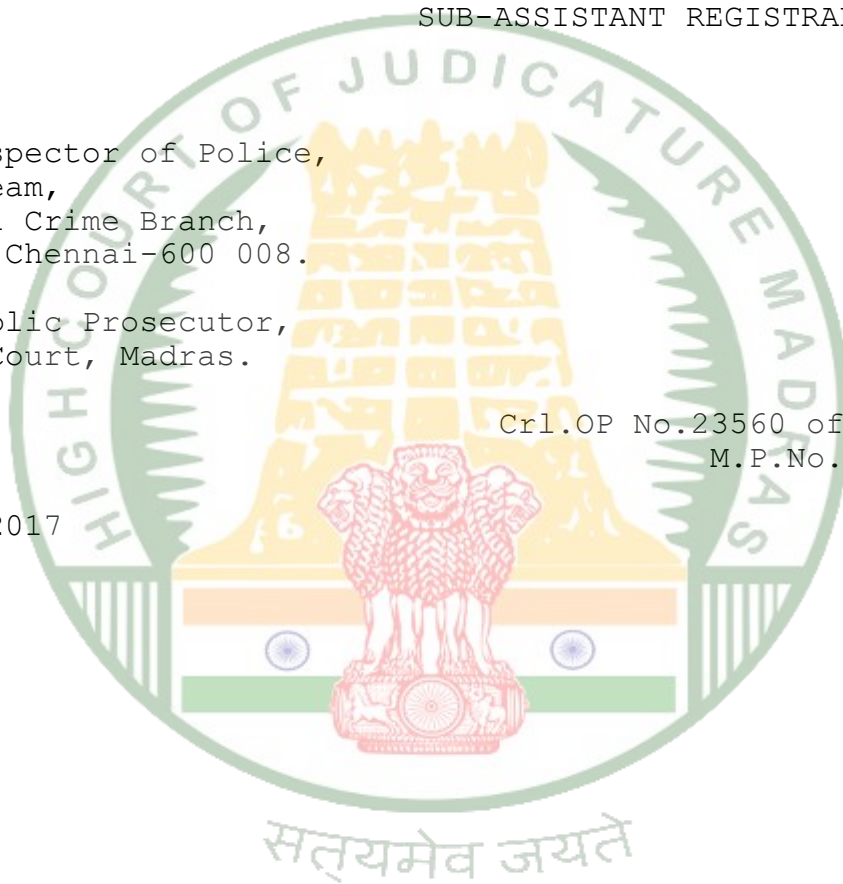
SUB-ASSISTANT REGISTRAR

To

1. The Inspector of Police,
16th Team,
Central Crime Branch,
Egmore, Chennai-600 008.
2. The Public Prosecutor,
High Court, Madras.

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VD[CO]
MK:15/11/2017



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